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LAWS

FOR THE GOVERNMENT

OF THE

DISTRICT OF

LOUISIANA,

PASSED BY THE

GOVERNOR AND JUDGES

OF THE

INDIANA TERRITORY,

AT THEIR FIRST SESSION BEGUN AND

HELD AT VINCENNES,

On Monday the first day of October, 1804.

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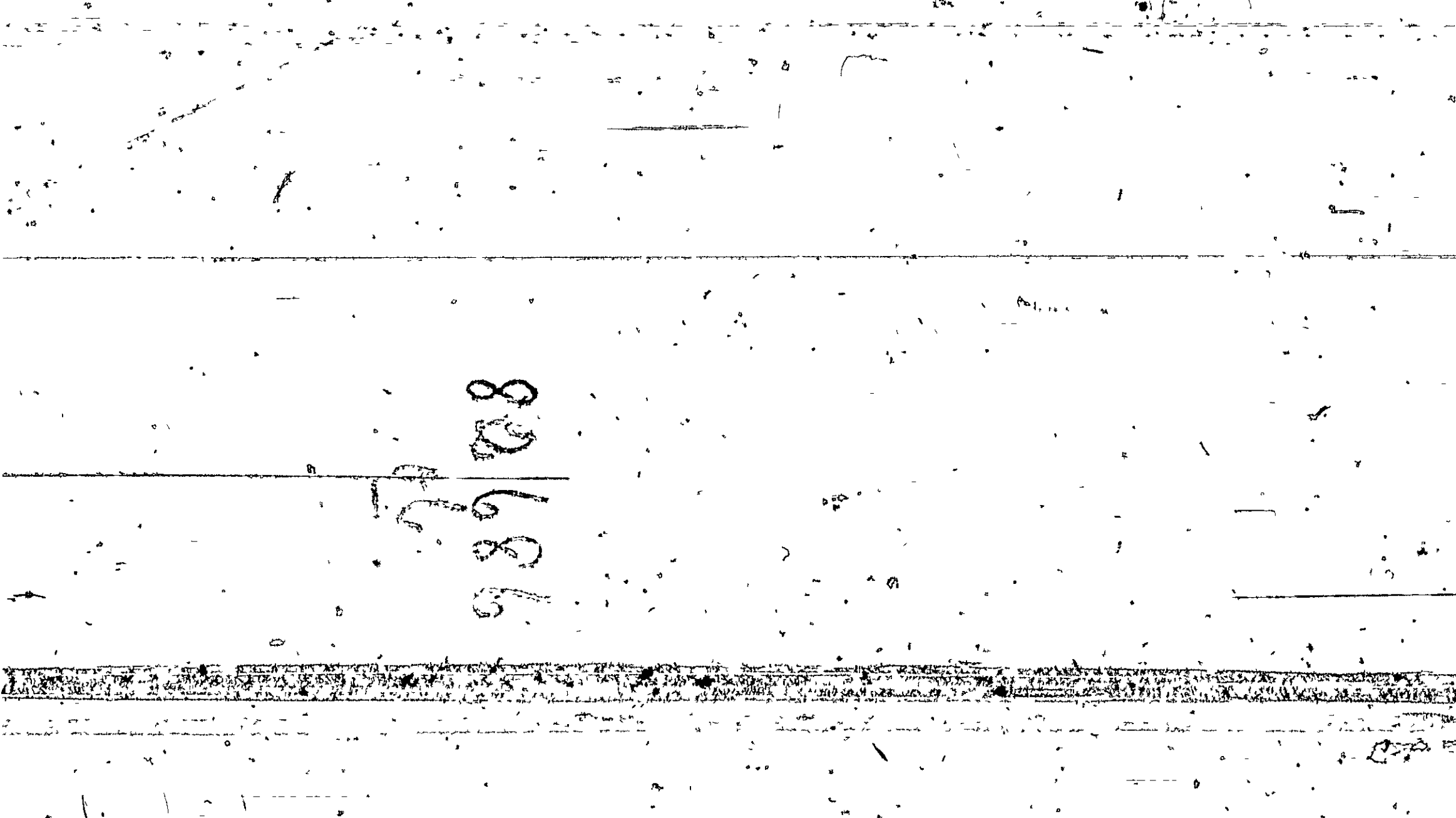

James MacKay

LAWS
FOR THE GOVERNMENT OF THE DISTRICT OF LOUISIANA.

I

A LAW

Providing for the punishment of certain crimes.

BE it enacted by the Governor and Judges of the Indiana Territory authorised by an act of Congress to make Laws for the District of Louisiana, and it is hereby enacted by the authority of the same. That if any person belonging to, residing in, or protected by the laws of this district, shall levy war against the United States, or against this district, or shall knowingly and willingly aid or assist any enemy or enemies at war against the United States or this district, by joining the armies or fleets of such enemies, or by enlisting persuadin or procuring others to join said fleets or a mies, or by furnishing such enemies w arms or amunition, or provisions, or other article for their aid or comfort, carrying on a treasonable and treac correspondence with them, or shall fo be any way concerned in forming, any bination, plot, or conspiracy for bet the United States, or this district,

hands [illegible] any foreign enemy or
ſhall [illegible] ſhall attempt to give or ſend any in-
telligence to any ſuch enemy for ſaid purpoſe
[illegible] ſuch perſons ſo offending ſhall be
[illegible] guilty of treaſon, and upon convic-
tion thereof ſhall ſuffer the pains of death,
and ſhall moreover forfeit all his lands or their
eſtate [illegible] real and perſonal to this diſtrict.

§ 2nd. *And be it further enacted* that if any perſon or perſons, ſhall with malice aforethought kill or ſlay an other perſon, he ſhe or they ſo offending ſhall be deemed guilty of murder, and upon conviction thereof ſhall ſuffer the pains of death.

§ 3rd. *And be it further enacted* that if any perſon or perſons ſhall wilfully kill or ſlay another perſon without malice aforethought, he ſhe or they ſo offending ſhall be deemed guilty of manſlaughter, and upon conviction thereof ſhall be puniſhed as at the common law hath heretofore been uſed & accuſtomed. *Provided nevertheleſs* that if any perſon in the juſt and neceſſary defence of his own life, or the life of any other perſon, ſhall kill or ſlay another perſon attempting to rob or murder in the field or highway, or to break into a dwelling houſe, if he cannot with ſafety to himſelf otherwiſe take the felon or aſſailant, or bring him to juſtice he ſhall be holden guiltleſs.

§ 4th. *And be it further enacted* that if any perſon or perſons, ſhall willfully and maliciouſly burn or cauſe to be burned, or ſhall

willfully and knowingly aid or assist in burning or causing to be burned, any dwelling house, store house, barn, stable, or other building adjoining thereto, or shall willfully burn or cause to be burned, or shall knowingly aid or assist in burning or causing to be burned, any grist, or saw mill, every person so offending shall be deemed guilty of arson, and upon conviction thereof shall suffer death and forfeit so much of his her or their estate, real and personal, as shall be sufficient to satisfy the party injured his full damages.

§ 5th. *And be it further enacted* That if any person or persons shall in the night season break open and enter any dwelling house, shop, store or vessel, in which any person or persons dwell or reside, with a view and intention of stealing and purloining therefrom, any money goods or chattles he she or they so offending shall be deemed guilty of burglary, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars at the discretion of the court before which the trial is had, to the use of the d' trict, and find sureties for good behavior a term not exceeding one year and upon fault thereof shall be committed to jail term not exceeding one year or unt tence be performed,

That if the person or persons so br or entering any dwelling house, shop or vessel, as aforesaid, shall actually ste purloin therefrom any money goods or

tles, he she or they so offending, upon conviction thereof, shall moreover be fined in triple the value of the article stolen, one third of such fine to be to the district and the other two thirds to the party injured.

§ 6th. *And be it further enacted*, That if any person or persons so breaking and entering any dwelling house, shop, store or vessel as aforesaid, shall actually steal and purloin therefrom any money, goods or chattels, and shall commit or attempt to commit, any personal abuse, force or violence; or shall be so armed with any dangerous weapon, or weapons, as clearly to indicate a violent intention, he, she or they so offending, upon conviction thereof shall suffer death and forfeit so much of his, her or their estate, real and personal, as shall be sufficient to satisfy the party injured his full damages.

§ 7th. *And be it further enacted*, That if the death of any innocent person should ensue from the breaking and entering any dwelling house, shop, store or vessel, as aforesaid in any of the instances as aforesaid, the person or persons, so breaking and entering shall be deemed guilty of wilful murder. And all persons aiding, and assisting in breaking and entering such dwelling house, shop, store or vessel, as aforesaid, or in any of the crimes consequent, thereupon, as before pointed out, shall be deemed principals. And all aiders and abettors in any robbery as aforesaid, and in any of the crimes consequent thereupon as

before pointed out shall be deemed principals.

§ 8th. And be it further enacted, That if any person or persons shall unlawfully and forcibly, take from the person of another, in the field or highway, any money, goods or chattels, he, she or they so offending shall be guilty of robbery, and upon conviction thereof, shall suffer, as in the second instance of burglary.

§ 9th. And be it further enacted, That if any person or persons shall commit such robbery with personal abuse or violence, or be armed at the time with any dangerous weapon or weapons, so as clearly to indicate an intention of violence, he she or they so offending upon conviction thereof, shall suffer death, and shall forfeit so much of his her or their estate real and personal, as shall be sufficient to satisfy the party injured his full damage. And in case any person robbing or attempting to rob, as aforesaid, shall kill or slay any person or persons, defending him, her or themselves, or others, or his her or their property, against such robber, or robbers, or person or persons attempting to rob, or in pursuing and endeavoring to apprehend and secure such person or persons, so robbing or attempting to rob, he she or they so offending shall be deemed guilty of wilful murder. And all aiders and abettors in any robbery, as aforesaid, and in any of the crimes consequent thereupon, as before pointed out, shall be deemed principals.

§ 10th. And be it further enacted, That if three or more persons shall assemble together with an intention to do any unlawful act, with force and violence against the person or property of another, or to do any other unlawful act, against the peace and to the terror of the people, or being lawfully assembled shall agree with each other to do any unlawful act as aforesaid, and shall make any movement or preparation therefor the persons so offending and upon conviction thereof shall pay as a fine each to this district the sum of twenty dollars and find sureties for their good behavior respectively for the space of six months, and stand committed until sentence be performed. Whenever three or more persons shall be assembled as aforesaid, and proceeding to commit any of the offences as aforesaid, it shall be the duty of all judges justices of the peace and sheriffs & all ministerial officers immediately upon actual view, or as soon as may be upon information, to make proclamation in the hearing of such offenders if silence can be obtained, commanding them in the name of the United States, to disperse, and depart to their several homes, or lawful employments, and if upon such proclamation or when silence cannot be obtained such persons so assembled, shall not disperse and depart as aforesaid, it shall then be the duty of the said judges justices of the peace and sheriffs, and other ministerial officers, respectively to call

upon all perſons near, and of abilities, and throughout the diſtrict, if neceſſary, to be aiding and aſſiſting in diſperſing, and taking into cuſtody all perſons aſſembled as aforeſaid. And all military officers and others called upon as aforeſaid, are hereby ordered and directed to render aſſiſtance and full obedience in this behalf, upon the penalty of ten dollars each, for every neglect or refuſal [illegible] and commitment in caſe of non-payment, if any of the perſons ſo unlawfully aſſembled, ſhall be killed, maimed, or otherwiſe injured in conſequence of reſiſting the judges, or others in diſperſing and apprehending or in attempting to diſperſe and apprehend them, the ſaid judges, juſtices of the peace, and ſheriffs and other miniſterial officers, and others acting by their authority or the authority of any of them, ſhall be holden guiltleſs.

§ 11th. *And be it further enacted*, That if any perſon or perſons ſhall forcibly obſtruct any of the authority aforeſaid, or if any three or more perſons ſhall continue together after proclamation as aforeſaid made or attempted to be made, and prevented by ſuch rioters, or in caſe of no proclamation any three or more perſons, being aſſembled as aforeſaid, ſhall commit any unlawful as aforeſaid, every offender, upon conv[illegible] thereof, ſhall be fined in a ſum not e[illegible] ding three hundred dollars, and find [illegible]

for good behavior, for a time not more than one year, at the discretion of the court before whom the conviction may be had. And upon a second conviction each and every offender shall be fined as aforesaid and find sureties for good behavior and the peace for a time not exceeding ten years and may be committed to a jail in the district till sentence be fully performed.

§ 12th. *And be it further enacted* That if any person lawfully called upon, to give evidence before any court of record or other authority in this district, qualified to administer oaths & solemn declarations and affirmations, shall wilfully, depose affirm, or declare, any matter to be fact knowing the same to be false or shall in like manner deny any fact knowing the same to be true, the person so offending shall be deemed guilty of perjury and upon conviction thereof shall be fined in a sum not exceeding sixty dollars, and shall moreover, be set in the pillory for a space of time not exceeding three hours, and be ever ter incapable of giving testimony, being a or, and of sustaining any office civil or mily in this district. And if any person or ons shall corruptly procure any other n to commit the crime of perjury, as defined, he she or they so offending, pon conviction thereof suffer the same ments and disabilities as in the case of perjury.

3th. *And be it further enacted*, That if

any perſon or perſons ſhall ſteal or purloin, from another perſon or perſons, any money, goods, wares or merchandize or any other perſonal property or thing whatever, he, ſhe or they ſo offending ſhall be deemed guilty of larceny, and upon conviction thereof ſhall for the firſt offence, reſtore the owner the thing ſtolen, and pay to him the value thereof, or two fold the value thereof if the thing ſtolen be not reſtored, and ſhall be fined in a ſum not exceeding two fold the value of the thing or goods ſtolen at the diſcretion of the court; upon a ſecond conviction reſtitution and payment ſhall be made to the owner as aforeſaid, a fine ſhall be ſet and paid to the diſtrict not exceeding four fold the value as aforeſaid, and in like manner upon every ſucceeding conviction. And in caſe ſuch convict ſhall not have property real or perſonal, wherewith to diſcharge and ſatisfy the ſentence of the court, it ſhall be lawful for the ſheriff, under the direction of the court, to bind ſuch perſon to labour for a term not exceeding ſeven years, to any ſuitable perſon, who will diſcharge ſuch ſentence.

§ 14th. *And be it further enacted* That if any perſon or perſons ſhall receive any goods, or other thing as aforeſaid, knowing the ſame to be ſtolen, he ſhe or they ſo offending ſhall be deemed principally guilty, and upon conviction thereof ſhall be puniſhed accordin-

§ 15th. *And be it further enacted*, That- perſon or perſons ſhall agree or com- if

po

or take satisfaction for any stealing, or goods stolen, such person or persons upon conviction thereof, shall forfeit twice the value of the sums or thing agreed for or taken; but no person shall be debared from taking his goods again provided he prosecute the thief. Provided also that nothing herein shall be construed so as to oblige a parent to prosecute a child, being an infant or in a state of minority.

§ 16th. *And be it further enacted*, That whoever shall forge, deface, corrupt, or embezzle any charters, gifts, grants, bonds, bills, conveyances, wills, testaments or written contracts of any nature or kind, or shall deface, or falsify any enrollment, register or record, or matter or instrument recorded, or shall counterfeit the seal or hand writing of another, with intent to defraud, every person so offending upon conviction thereof shall be fined in double the sum he shall thereby have defrauded, or attempted to defraud another, one half thereof to the party injured, or attempted to be injured, and shall moreover, forever after be rendered incapable of giving testimony, being a juror, or sustaining any office of trust, and be set in the pillory for a time not exceeding three hours. And all persons wilfully aiding and assisting in these crimes, or who shall cause or procure, the same or any of them to be perpetrated shall be deemed principals.

§ 17th, *And be it further enacted*, That no person shall take upon himself, or exercise or

officiate in any office or place of authority within this district without being lawfully authorized thereunto, and if any perſon ſhall preſume ſo to do, he ſhall upon conviction thereof be fined in a ſum not exceeding one hundred dollars.

§ 18th. And be it further enacted, That if any perſon ſhall unlawfully aſſault or threaten another in a menacing manner, or ſhall ſtrike or wound another, he ſhall upon conviction thereof be fined in a ſum not exceeding one hundred dollars, and the court before whom ſuch conviction ſhall be had, may at their diſcretion cauſe the offender to enter into recognizance with ſurety for the peace and good behaviour for a time not exceeding one year.

§ 19th. *And be it further enacted*, That all bonds, bills, deeds of ſale, gifts, grants or other conveyances, or obligations whatever made with an intent to deceive and defraud others or to defeat creditors of their juſt debts or demands ſhall be null and void, and the perſon or perſons ſo offending ſhall upon conviction thereof be fined in a ſum not exceeding three hundred dollars and pay doubt damages to the party or parties injured.

The foregoing is hereby declared to be law for the Diſtrict of Louiſiana. In teſtimony whereof we William Henry Harriſon, governor, and Thomas T. Davis, Henry Vander Burgh and John Griffin, judges of and over the Indiana Territory, have here

unto set our hands at Vincennes the 1st day of October, 1804.

WILLIAM HENRY, HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN.

II.

A LAW

Establishing the office of **Sheriff.**

BE *it enacted by the Governor and Judges of the Indiana territory authorised & empowered by an act of Congress to make laws for the District of Louisiana, & it is hereby enacted by the authority of the same.* That there shall be appointed and commissioned by the governor in each district a sheriff who shall take the oaths of allegiance to the United States and of office, and shall give bond with two sufficient sureties in the penal sum of four thousand dollars, for the faithful discharge of the duties of his office.

§ 2nd. And be it further enacted, That the duties of each sheriff shall be to keep the peace by causing all offenders against law, in his view, to enter into recognizances, with sureties for keeping the peace, and appearing at the next general quarter sessions in the same district, and to commit in case of refusal; and which recognizances shall by the said sheriff be returned & certified before the said quar-

ter ſeſſions, it ſhall alſo be his duty to quell and ſuppreſs all affrays, routs, riots, and inſurrections; and for which end he ſhall and is hereby empowered to call to his aid the power of the county. He ſhall purſue apprehend and commit to jail all felons, and traitors; he ſhall execute all warrants, writs and other proceſs which by law ſhall appertain to the duties of his office, and which ſhall be directed to him by legal authority, he ſhall duly attend upon all courts of record, at their reſpective terms or ſeſſions, in his diſtrict.

The foregoing is hereby declared to be a law for the Diſtrict of Louiſiana. In teſtimony whereof, we, William Henry Harriſon, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto ſet our hands at Vincennes the 1ſt day of October, 1804.

WILLIAM HENRY HARRISON.
THOMAS TERRY DAVIS.
HENRY VANDER BURGH,
JOHN GRIFFIN.

III.

A LAW
Regulating Boatmen.

BE it enacted by the Governor and Judges of the Indiana Territory, authorised to make laws for the District of Louisiana, and it is hereby enacted by the authority of the same. Th

all contracts and engagements entered into by any perſon or perſons whomſoever, for the rowing and navigating of boats or other crafts of any deſcription on the navigable waters of the ſaid diſtrict ſhall be fulfilled by the perſon ſo engaging according to the true intent and meaning thereof.

§ 2nd. And be it further enacted, That if any Boatman ſhall miſbehave himſelf during the courſe of a voyage, neglect or refuſe to do his duty, or quit the boat, it ſhall be lawful for any juſtice of the peace of the diſtrict, on complaint of the maſter of the boat, if on board, or otherwiſe of the perſon having the charge thereof, to iſſue his warrant directed to any conſtable, commanding him to take the delinquent and to bring him forthwith before the ſaid juſtice, who ſhall hear and determine the complaint in a ſummary manner, and ſhall have power and authority either to diſcharge the ſaid offender, in which caſe he ſhall forfeit all wages due him, or alſo to commit him to jail for any term not exceeding thirty days, unleſs ſuch offender ſhall then and there give ſecurity to be approved of by ſuch juſtice in the ſum of two hundred dollars, payable to the owner or owners of the boat, conditioned that he will during the remainder of the voyage do his duty according to his engagement.

§ 3rd. And be it further enacted, That if any part of the cargo or tackling belonging to any boat ſhall be loſt during a voyage,

through the neglect or default of the crew that then the property so lost shall be paid for, to the owner by the said crew.

§ 4th. And be it further enacted, That any justice of the peace of the territory, shall, on complaint of any person employed in navigating a boat, complaining of cruel usage from the owner, or of not being furnished with the necessary provisions, to summon the master or conductor before him and to hear and determine the same in a summary manner, and also to discharge the complainant, and to order the owner or conductor in that case to pay him the whole or such part of the wages for the trip as the said justice may think proper, saving to the party who may think himself aggrieved his right of appeal to any court of record having cognizance of the same.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October one thousand eight hundred and four, an

A LAW

Establishing Courts for the trial of small causes.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of Congress to make laws for the District of Louisiana, and it is hereby enacted by the authority of the same, That every action for debt or other demand (except such action as is herein after excepted) shall be and the same is hereby made cognizable before any justice of the peace, within the district in which the defendant resides, or may be found, and the said justices are hereby authorised to hold a court, to hear try and determine the same according to law and the jurisdiction of every justice of the peace under this act, shall be co-extensive with the limits of the district in which he resides and his writs, precepts, and process, authorised by this act, shall run in and throughout such district and may be executed therein and not elsewhere, and the constables of the several districts, and those only shall be ministerial officers of the said courts, and it shall

be their duty to execute and return all pre-
cepts, warrants and other process
ſhall be directed to them or
any of them by the ſaid court, and to them or
perſons ſhall do and perform all duties appertaining to their office
as ſheriffs and conſtables in all ſuch precepts, ſummons
warrants and other proceſs, ſhall be ſerved
on the day on which they are reſpectively
ſerved, and ſhall be under the hand and ſeal
of the officer ſerving the ſame. Provided, that
any writ or warrant where is not a juſtice of the peace
reſiding in the ſaid diſtrict in which the de-
fendant lives, or if there is not a juſtice of
the peace residing in the ſaid diſtrict who is
diſpoſed to act therein, either of the parties in or within
the ſaid diſtrict, either of the parties in or within
the ſaid diſtrict, it ſhall be lawful for the
plaintiff to proſecute his ſuit before a juſtice
of the peace in any of the adjoining diſtricts,
and ſuch juſtice is hereby authorized to
take cognizance thereof and proceed therein
contrary to the contrary notwithſtanding.
And be it further enacted, that the
ſeveral writs which ſhall be iſſued againſt any
defendant by virtue of this act, ſhall be ſu-
perſeded or varied in the form of a ſummons
or ſuch other as the caſe may require, and
this ſummons ſhall be uſed in every caſe un-
der the ſame penalties where the defendant is a freehol
der and reſides within the diſtrict and the ſummons ſo iſ-
ſued ſhall ſpecify a certain
time, not less than ſix nor more than ten days

from the date of such process, and also a certain place at which the defendant is to appear and shall be served three days at least before the time of appearance mentioned therein by reading the same to the defendant, and by serving him or her with a copy thereof if required, when the said defendant may be found, but if he or she can not be found then by leaving a copy thereof at his or her house or place of abode in presence of some person of the family of the age of ten years or upwards who shall be informed of the contents thereof, and the constable serving such warrant shall on the oath of his office, endorse thereon the time and manner of his executing the same, and shall subscribe his name thereto, Provided always, that in every case in which the summons is made the proper process by this act if it shall be sufficiently proved on oath to the satisfaction of the justice, that the plaintiff will be in danger of loosing his or her demand, unless the defendant be arrested, it shall be the duty of the justice to issue a warrant, in the nature of a capias, any thing herein contained to the contrary notwithstanding.

§ 3d. And be it further enacted, That if the defendant does not appear at the time and place expressed in such summons, or if it shall be found by the return thereon endorsed that the summons [illegible] served

then the ſaid juſtice may proceed to hear and determine ſuch cauſe in the abſence of the ſaid defendant.

§. 4th. And be it further enacted, That the warrant in nature of a capias ad reſpondendum, ſhall be uſed in all caſes under this act, in which the defendant is not a freeholder within the diſtrict, or does not reſide within the diſtrict in which ſuch proceſs ſhall iſſue; and the ſaid warrant ſhall be returnable forthwith, after the ſervice thereof, and the conſtable ſerving or executing the ſame, ſhall according to the command thereof forthwith convey the defendant before the juſtice who iſſued the ſame, and the ſaid juſtice ſhall thereupon either cauſe the ſaid defendant to give bail for his or her appearing, and abiding the event of the ſaid ſuit, or on neglect or refuſal to give ſuch bail, ſhall order the conſtable to convey him or her to the jail of the diſtrict, there to be kept in cuſtody until the time appointed for the trial of the cauſe, which ſhall not exceed three days from the day of the return of the warrant, or the ſaid juſtice may direct the conſtable to hold the defendant in his cuſtody until the plaintiff ſhall have notice time to attend and proceed to trial, and conſtable who ſerved ſuch warrant, on the oath of his office endorſe thereon execution thereof, and ſign his nam[illegible].

§. 5th. And be it further enacted, That the juſtices ſhall endorſe on the ſum[illegible]as or

warrant, before the same is delivered to the constable, the sum demanded by the plaintiff together with the costs that have accrued, and the defendant shall have the privilege of paying the amount of the said demand and costs to endorsed, without further proceedings in the cause, and it shall be lawful for the constable to receive the same and receipt the sender; which shall be a full and compleat discharge to the defendant from the said demand and costs; and if the constable shall not pay the money so received to the party entitled thereto, if he shall be thereof afterwards lawfully required, he shall be liable to be proceeded against in the same manner as sheriffs are for money by them received in virtue of writs of fieri facias; after he shall have received the same, the said constable shall be liable to pay to the said plaintiff or to his or her legal representative, double the amount of the said debt or demand, to be recovered with costs of suit, by an action of debt on this act, in any court having cognizance thereof.

And be it further enacted, that the recognizance of bail to be taken as above provided, shall be in the following form, to wit:

A. B. (naming the defendant) hath been arrested at the suit of C. D. (naming the plaintiff) in an action of for the sum of

Now therefore you A. B. (naming the bail) do acknowledge yourself jointly

and bail in the said action in the sum of
dollars to be levied on your goods and chat-
tels and for want thereof upon your body if
default be made in the condition of your re-
cognizance, which condition is that the said
A B (naming the defendant) shall be and
appear before (naming the justice)
on the day of next and if
judgement be given against him or her that
he or she shall pay the costs & condemnation
money or surrender his or her body in execu-
tion acknowledged before me — one of the
justices of the peace in and for the said district
the day of in the year of our lord
one thousand eight hundred and

And every justice of the peace is hereby
empowered to take such recognizance which
shall remain with such justice, for the bene-
fit of the plaintiff in the suit, and if the defen-
dant does not appear after such recognizance
entered into, at the time and place therein
in the said recognizance; and no sufficient
reason be assigned to the said justice why he or
she does not appear, then the said justice may
proceed to hear and determine the cause in
the absence of such defendant, and when the
parties to any suit, to be instituted by virtue
of this act, shall appear at the time and place
appointed for trial, the said justice shall pro-
ceed to hear and examine their respective
allegations and proofs, and shall thereupon
give judgement, with costs of suit, accord-
ing to the merits of the case, and

less he shall think it proper, on the application of either party, to adjourn the trial, which adjournment shall not be made for a longer period than seven days when moved for by the plaintiff, nor for a longer period than fourteen days when moved for by the defendant.

§ 7th. And be it further enacted, That when parties agree to enter without process before a justice of the peace, any action herein made cognizable before him, such justice shall enter the same on his docket, and shall proceed to judgment and execution, in the same manner as though a summons or warrant had been issued, served and returned. And in all actions instituted by virtue of the provisions herein contained, in which the plaintiff shall be non suited, discontinue or withdraw his or her suit, without the consent of the defendant, the said justice shall give judgment for the defendant, for the costs which have accrued.

§ 8th. And be it further enacted, that if in any cause instituted as aforesaid, it shall appear at the trial that there is a balance due to the defendant from the plaintiff then the justice shall enter up judgement against such plaintiff in favor of the defendant, for the sum so appearing to be due with costs of suit, and such defendant shall be entitled to

the same m

the parties in every cafe arifing under this act, shall have the privilege of referring the matter in controverfy between them to referees who shall be chofen and mutually agreed upon between them, and who, after having heard the proofs and allegations of the parties shall make their report in writing to the juftice, and the laid juftice shall receive and file the fame, and thereupon enter judgment accordingly.

§ 10th. And be it further enacted that when judgement shall be given againft the plaintiff or defendant under this act, the juftice who gave fuch judgement shall grant execution thereupon returnable to fuch juft- within twenty days thereafter commanding the conftable to levy and make the debt or damages and coits, of the goods and chattels of the party, and for want of fufficient goods and chattles whereon to levy and make the fame, to take the body of fuch party and to convey him or her to the common jail of the diftrict, and the fheriff or keeper of fuch jail is hereby required to receive the perfon or perfons fo taken in execution, and him her or them fafely to keep, until the fum recovered and the coits of fuit be fully paid, and in default of fuch fafe keeping the fheriff fhall be anfwerable to the party aggrieved who fhall have the fame remedy againft him as is provided by law in cafes of efcapes, but in cafe the conftable cannot find

goods and chattels belonging to the party againſt whom ſuch execution hath iſſued ſufficient to ſatisfy the judgment, it ſhall and may be lawful for the party in whoſe favor ſuch judgment hath been rendered, to apply to the juſtice for a tranſcript thereof whoſe duty it ſhall be to grant the ſame, which being filed in the office of the prothonotary of the court of common pleas in the diſtrict in which the recovery hath been had, execution may iſſue therefrom according to the rules and practice of the ſaid court, and the amount of ſaid judgment together with the coſt of ſuch removal, may be levied on the lands and tenements of the party againſt whom the ſame hath been rendered. Provided always, that no execution ſhall iſſue from the court of common pleas in manner aforeſaid, after the party hath been taken in execution and committed to jail, until he or ſhe ſhall be diſcharged from impriſonment under ſuch execution. And provided alſo that when judgment ſhall be obtained againſt executors or adminiſtrators execution ſhall iſſue thereon in the ſame manner as it is iſſued againſt them in the courts of record within this diſtrict. And provided alſo that when judgment ſhall be rendered as aforeſaid againſt a freeholder, no execution ſhall iſſue thereon until the expiration of three months if the debt or demand be under dollars, or until the expiration of

debt or

dollars from the time of the render of such judgment, unless the party in whose favor such judgment hath been rendered shall make it appear on oath to the satisfaction of such justice, that he or she is in danger of loosing his or her debt or damage, if such delay of execution be allowed, in which case the said justice shall issue execution forthwith as is herein above provided, unless the party against whom execution is moved for, shall immediately give good and sufficient security to the adverse party for the payment of the debt or damage and costs, within the space of three months (or six months as the case may be.) And provided also that if judgment shall be given as aforesaid against a person who is not a freeholder, such person shall have the execution against him or her respited for the like term of three months, or six months (as the case may be) on his or her entering into recognizance to the adverse party, with one sufficient security in the nature of special bail conditioned to deliver the body of the said party, to the sheriff of the district, at or before the expiration of the time so to be allowed, or to satisfy the amount of the judgment.

§ 11th. And be it further enacted, that if any defendant who is not a freeholder shall appear at the return of the warrant, or shall appear by consent without process, and procure a good and sufficient freeholder resident in the district to join with him or her in the

confeſſion of judgment to the adverſe party, with coſts, then ſuch defendant ſhall be entitled to all the benefits and previledges, which any freeholder is intitled to by virtue this act.

§ 12th. And be it further enacted, That every juſtice before whom any action ſhall be commenced, according to, and by virtue of the provisions contained in this act, ſhall open and keep a book to be ſtiled his docket, in which he ſhall make fair entries of the names of the parties to every ſuit inſtituted before him, diſtinguiſhing between the plaintiff and defendant, and in which he ſhall note all the proceſs that may iſſue in the cauſe, in the order in which it iſſues, and in which he ſhall ſtate every motion made by either party and overruled, or made, objected to and allowed, and in which he ſhall alſo enter the judgment, ſtating the preciſe amount of the debt or damages and coſts, together with the day on which the ſaid judgment was rendered.

§ 13th. And be it further enacted, That ſhall be the duty of the juſtice to make up d tax a bill of coſts, in every action inſtitubefore him, according to the provisions he law aſcertaining the fees to be allowſuch caſes, ſetting down in ſaid bill item ſeparately and diſtinctly, a true of which bill, certified and ſigned by id juſtice, ſhall be delivered to the party ſt whom the judgment hath been en-

tered or left at his or her usual place of abode before such party shall be called upon to discharge or satisfy the said judgment, and every justice who shall issue an execution on any judgment, or receive the amount thereof without having previously tendered to the party against whom such judgment hath been rendered, a certified bill of costs, as above provided, or without having delivered the same to the constable to be left at his or her usual place of abode, and every justice who shall insert in the said bill of costs any charge for services not actually performed, or any higher charge for services actually performed than is allowed by law, shall forfeit and pay to the party against whom such bill hath been made and taxed a sum of money equal to the amount of cost taxed in the said bill, which sum shall and may be recovered with costs before any justice of the peace within the district, and the jurisdiction of every justice for the purpose of prosecuting for and recovering such forfeiture shall be coextensive with the boundaries of the district, any thing herein contained to the contrary notwithstanding. Provided always, That if the said forfeiture shall exceed the sum of ten dollars, then the same shall be recoverable by action of debt in any court of record within the district and not elsewhere.

§ 14th. And be it further enacted, That if any person or persons shall conceive himself, her or themselves aggrieved by any judgment

rendered as aforesaid, it shall and may be lawful for such person or persons, at any time within the space of twenty days next after the rendering of such judgment, to appeal therefrom to the court of common pleas, next to be holden for the district in which such suit hath been tried, he she or they first entering into recognizance with at least one sufficient security, in a sum at least double the amount of the said judgment, and sufficient to answer all costs, to prosecute the said appeal with effect, and to abide the order which the court of common pleas may make therein, and upon any appeal demanded from any such judgment, the justice who pronounced the same shall send a transcript thereof to the prothonotary of the court of common pleas of the district in which such appeal is made, on or before the first day of the term next following such appeal, and all proceedings before the said justice or on any process issued by him on the said judgment shall be stayed from the time of demanding such appeal, unless the party demanding the same shall refuse and neglect to give the security above required. Provided always, That no defendant shall be allowed an appeal from a judgment rendered against him or her unless the same shall amount to six dollars or upwards, without costs; nor shall any plaintiff be allowed an appeal from any judgment rendered against him or her unless his or her original demand against the de-

fendant amounted to six dollars or upwards, or from any judgment given for him or her, unless the original sum demanded by him or her from the defendant shall exceed the sum recovered by twelve dollars; nor shall either party be entitled to an appeal in any case in which judgment hath been entered on the report of referees appointed as aforesaid.

§ 15th. And be it further enacted, That at the term to which any such appeal shall be made the person so appealing shall cause an entry of the suit to be made by the prothonotary of such court, and the plaintiff in the court below whether appellant or appellee, shall be plaintiff in the court above, and after such entry hath been made the suit shall be considered in the same light and the parties shall proceed in all respects in the same manner as though the suit had been originally instituted in the said court and mesne process returned to the term in which such entry is made, and reference shall be had to the proceedings in the court below, no further than to include in the judgment to be rendered in the court above the costs taxed in the court below. Provided that the costs which shall accrue for services in the court of common pleas, on such appeal, shall be two third parts only of the costs allowed by law for the same services, in suits originally instituted in the said courts. And provided also, that the justice who rendered the judgment from which the

appeal is made, shall not be permitted to sit on the bench when the cause is heard and determined in the court above.

§ 16th. And be it further enacted, That if the plaintiff, after an appeal hath been made and entered, as above provided, shall file a declaration in an action not cognizable by a single justice, by virtue of this act, the defendant may thereupon file his or her plea in abatement to the jurisdiction of the court and if it shall appear to the said court that the said justice had not cognizance of such suit by virtue of this act, they shall proceed to enter judgment for the defendant, with costs of suit. Provided, that such judgment shall not bar the plaintiff from a recovery in a subsequent action for the same cause, instituted in a court having cognizance thereof.

§ 17th. And be it further enacted, That whenever an appeal shall be demanded in manner aforesaid or a writ of certiorari shall be presented to a justice requiring him to certify the proceedings had before him in any cause arising under this act, it shall be the duty of such justice to make a fair and accurate transcript from his docket of all the entries contained therein, relative to the said cause, and to transmit the same forthwith to the proper court, and if it shall appear that the said justice hath not made a just and true entry on his said docket, of all the proceedings had before him in the cause

he may be compelled by a writ of mandamus, to correct and complete the said entry, and forthwith to certify the same to the proper court, and if it shall appear that any justice hath altered or changed or caused or suffered to be altered or changed the entries made on his docket, in matter of substance with an intent to injure either of the parties he shall be deemed guilty of high misdemeanor, and on conviction thereof by indictment shall be fined in a sum not more than one hundred dollars nor less than fifty dollars, and shall moreover pay the costs of prosecution and shall stand committed until the fine and fees are paid.

18th. And be it further enacted, That no justice of the peace, by virtue of the provisions contained in this act, shall institute or sustain two or more actions or suits between the same parties for demands which are of such a nature as by the rules of law may be consolidated to one action under the penalty of eighteen dollars to be recovered for the use and in the name of any person who shall first sue for the same, in the same manner as is provided in the thirteenth section of this act, and every judgment recovered against any defendant or defendants, by virtue of the provisions herein contained, may be pleaded in bar, and such plea shall be received in any court within the district as a compleat bar to any subsequent action or suit,

inſtituted by the ſame plaintiff or plaintiffs againſt the ſame defendant or defendants for any demand due and owing from the ſame defendant or defendants to the ſame plaintiff or plaintiffs, at the time of the inſtituting of the action in which ſuch judgment ſhall have been obtained, if the demand on which ſuch ſubſequent action or ſuit ſhall have been commenced ſhall be of ſuch a nature as by the rules of law might have been conſolidated and joined in one action.

§ 19th. And be it further enacted, that this act ſhall not be conſtrued or underſtood to extend to or embrace, nor ſhall any thing herein contained extend to or embrace any action of debt on bond for the performance of covenants, actions of covenants, actions of replevins, or upon any real contract, actions of treſpaſs on the caſe for trover and converſion or ſlander, actions of treſpaſs vi et armis, or actions wherein the title of lands ſhall in any wiſe, come in queſtion.

§ 20th. And be it further enacted, that if any perſon or perſons ſhall commence, ſue or proſecute any ſuit or ſuits, for any debt or demand by this act made cognizable before a juſtice of the peace in any other manner than is authorized and directed by this act, and ſhall obtain a verdict or judgment therein, for debt or damage, which without coſts of ſuit, ſhall not amount to thirty dollars or more, not having cauſed an oath or affirmation to be made before the iſſuing out of the

capias or ſummons, and filed in the office of the prothonotary or clerk of the court from whence ſuch proceſs iſſued, that he, ſhe or they ſo making oath or affirmation: did truly believe the debt due or damage ſuſtained amounted to the ſum of thirty dollars, or more, he, ſhe or they ſo proſecuting ſhall not receive any coſts in ſuch ſuit, any law, uſage or cuſtom to the contrary notwithſtanding.

§ 11ſt. And be it further enacted, that if in any action of treſpaſs on the caſe for ſlander, or action of treſpaſs vi et armes, that may hereafter be inſtituted in any court of record within the diſtrict the plaintiff ſhall recover a ſum leſs than five dollars, ſuch plaintiff ſhall be allowed to recover two thirds of the coſts given by law in ſuch ſuit and no more.

The foregoing is hereby declared to be a law for the diſtrict of Louiſiana, to take effect accordingly. In teſtimony whereof, we, William Henry Harriſon, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana territory, have hereunto ſet our hands at Vincennes, the firſt day of October, one thouſand eight hundred and four, and of

the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW

Ascertaining and regulating the fees of the several officers and persons therein named.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress to make laws for the government of Louisiana and it is hereby enacted by the authority of the same,

§ 1st. That no officer or person shall at any time exact or demand for services hereafter to be rendered, any larger or other fee, to be taxed in the bill of costs than as is hereinafter provided.

§ 2d. The Attorney General or his Deputy's fees wherein the duty is performed by the same

	DOLLARS
Entering a rule to profequi for each defendant	62 5
Every proceſs or indictment	75
Every information per ſheet of ſeventy two words	18
Drawing all ſpecial indictments and pleadings per ſheet of ſeventy two words	18
A copy thereof per ſheet as aforeſaid	18

	C. M.
Every motion in court	62 5
Fee on trial demurrur, ſpecial verdict or in error or in pleas confeſſed	3
For trial of every capital cauſe where life is concerned	10
For the whole proſecution except for drawing of the indictment or information for the trial of every other matter by bill of indictment or information	5
Term fee	75
Arguing every ſpecial motion	150
Making up judgment	75
Examining witneſs	50
Taxing bill,	75
Copy of a coſt bill if before iſſue joined,	37 5
If after ſaid joined,	75
And to the attorney general in lieu of ſuch fees as hereafter may be chargeable to the ſaid office the annual ſum of	60

§ 3d, Counſellors and attornies fees in the general court.

In all civil actions where the title of lands do not come in queſtion,	7
In all civil actions where the title of lands come in queſtion,	10
For active where the ſuit is not pending,	3 50

§ 4th. The clerk of the general court in civil cauſes.

For drawing, ſealing and entering a writ,	34

	D.	C.	M.
Filing a declaration,		12	5
Entering an appearance,		12	5
Filing all other pleadings each,		12	5
Entering every rule,		18	
Swearing and entering a jury,		28	
The return of a writ and filing the ſame,		12	5
Swearing each witneſs,			6
Swearing a conſtable,			6
Taking the juryʼs verdict and entering the ſame to the minutes.			18
Special verdict drawing or engroſſing per ſheet of ſeventy-two words,		12	5
Entering judgment.		28	
A retraxit or diſcontinuance,		12	5
Copies of records or pleadings per ſheet of ſeventy two words,		12	4
Attending and ſtriking a ſpecial jury, and delivering a copy thereof to each party,			75
Filing an affidavit or other paper on requeſt,			9
Entering ſatisfaction of record,			18
Searching the record within a year,			18
And for every year back,			6
Drawing recognizance of bail			25
Every continuance,			40
Entering iſſue joined,			50
Venire facias,			50
Every trial,			50
Every rule of reference, for trial, to ſhew cauſe, to take depoſition, give ſecurity for coſts for perſons out of			

	D.	CM.
the territory,		17
Copy of the same if demanded,		25
Entering default of either party,		26
Commissions to take depositions		82
Taking bond on issuing writ of error or supersedeas		43
For making a complete record of every cause entering a case agreed on special verdict a large from the notes & all deeds and other evidences at large for every sheet of seventy two words		18
Certificate and seal		75
Entering case entry and ouster		25
For entering each suit on the judges docket		6

§ 5th. In criminal cases.

For every appearance	12	5
Discharge any person on bail	12	5
Every imparlame to an indictment	12	5
Drawing process against any person upon information or other process		44
The plea to an indictment or information		6
Reading the indictment information or reward		6
Swearing every witness on trial		6
Engrossing judgment or information		18
Respiting every recognizance		9
Taking a recognizance and entering thereof		56
Copies of all indictments, informations, and pleadings per sheet of seventy-two words		18

	D.	C.	M.
Relinquishing a plea		12	5
A submission		12	5
Judgment thereon		12	5
Copy of the traverse		12	5
Every subpœna with seal for four witnesses or under			50
Every witness more			6
Every order or rule of court			18
Taking copy of every special verdict per sheet of seventy two words			12
For the allowance and recording a warrant of nolo prosequi			50
And to the clerk of the general court in lieu of such fees in the general court as hereafter may be chargeable to the territory the annual sum of			40
§ 6th. To the clerk of the circuit court for entering in the judges book every cause to be tried			6
Filing every nisi prius record			25
Entering every rule			18
Swearing and empannelling a jury			25
Swearing each witness			6
Swearing a constable			6
Readingeverydeed or piece of evidence		12	5
Filing a bill of exception or demurrer,		12	5
Copies thereof per sheet of seventy-two words		12	5
Taking verdict and entering it on the minutes			25

	D.	C.	M.
Entering every non-suit		18	
Entering the default of a juror and the discharge of others		18	
Every sheriffs fees in the general court		75	1
Every mile to be computed from the court house of the county to the place of defendants residence			6
Taking bail bond & copy of the same		5	
Returning a writ		12	5
Mileage for returning writs to the general court from any county other than the one from which the writ is issued for the first forty miles,			
And for every mile over forty			2
Surrendering a jury		1	25

For proceeding to sell on any execution on behalf of the United States or of any individual at this territory if the property be actually sold, the commission to the sheriff shall be five per centum on the first three hundred dollars and two per centum on all sums above that, and one half of such commission where the money is paid to the sheriff without seizure or where the land or goods seized or taken, shall not be sold and no other fee or reward shall be allowed on any execution except for the expence of removing

	D.	C.	M.
and keeping the property taken			
ferving a writ of poſſeſſion without			
the aid of the poſſe comitatus	1	26	
With the aid of the poſſe comitatus	3	75	
Every mile from the court houſe			6
Executing a criminal	7	50	
Calling a verdict			9
Diſcharging every perſon by proclamation			9
Calling plaintiff on non ſuit			9
Calling defendant on recognizance			9
Calling a defendant			9
§ 8th. Jurys fees in the general court.			
Every juryman in each action on which he is ſworn,			25
Every juror in coming to and attending a view and returning per day		75	
Every juror attending court from a foreign county coming and returning per day,		56	
§ 9th. Witneſſes fees in the general court.			
Each witneſs attending in his own county on trial per day,		37	5
Attending from a foreign county and coming and returning per day,		56	
Each witneſs ſubpœnaed in the county and detained from a foreign county per day,		56	
To a witneſs on a dures tecum, coming from a foreign county at-			

tending and returning per day,			56
Except for the judge of probate, or clerk of a court attending in a foreign county with wills, records and other paper evidence, on ſubpœna per day		1	66
Making a liſt of freeholders to ſtrike a jury		2	
Serving a ſcire facias and returning,			75
Every perſon committed to priſon,			37 5
Diſcharge of every perſon out of priſon,			37 5
Bringing up a priſoner by habias corpus in civil caſes			50
Where the priſoner is actually brought, for every mile from the place of taking him,			6
Executing a writ of enquiry and returning the ſame,		1	50
Attending a view in the ſame county per day		1	87 5
The like in a foreign county per day,		1	87 5
Attending with a priſoner before a judge on his being ſurrendered by his bail,		1	
Summoning a jury on forcible entry and detainer		1	75
Beſides a mileage fee for every mile from the place of holding court			6
Copy of every writ			16
Serving warrant of attachment ſo much as the judge ſhall tax the ſame			

	D. C. M.
hall certify	
Serving subpœna on each witness	37 5
Calling every action	9
Calling every jury	12 5
Swearing a witness	6
For dieting a prisoner per day	25
For making a deed for the sale of land and wrigh deed it is hereby made the duty of the sheriff to make And to the sheriff for such fees as hereafter may become chargeable to the territory, the annual sum of	50
§ 10th Surveyors fees.	
For going to and returing from a view per day and thirty miles per day	1 25
His actual services on a view per day	1 50
For going to attending the court on trial and returning per day	1 25
§ 11th. justices fees in the court of common pleas.	
For all actions in the court of common pleas	37 5
Signing every judgment of court	12 5
Taking bail	25
Acknowledging satisfaction on record	9
Taxing and signing bill of cost	25
Proof or acknowledgment of a deed Before a justice of the court of common pleas	37 5
For every fine joined	50
For every trial	1
Allowing writ of error, habeas cor-	

	D.	C.	M.
pus, or certiorari when presented			
from the judge of the general court		50	
Granting reference		25	
Approving report of referees		30	
On surrender of principal in court		20	
Hearing petition and making order thereon		25	
§ 12th. Justice of the peace their fees.			
For every warrant in a criminal case		18	
On every trial of forcible entry and detainer	2	50	
every precept in forcible entry and detainer		37	5
Every bond or recognizance		25	
Administering an oath		12	5
Every certificate or order upon act of relief of insolvent debtors		37	5
Every warrant order report or certificate upon an absconding act		37	5
Every appointment of Trustees,		37	5
For summons or capias on debt		10	
For every subpœna		10	
For every name inserted after		3	
Entering every judgment for debt when trial		20	
Every judgment by confession of defendant		18	
Every execution		20	
Certified copy of all proceedings on appeals or certiorari		33	
Writing figuing and sealing every attachment		18	

Entering rule of reference on de[illegible]	10
Every recognizance of bail [illegible] causes	10
Iſſuing ſpecial bail piece	13
Swearing witneſs	6
Adminiſtering oath on depoſition	10
Acknowledgement of a deed and power of attorney by every juſtice of the peace	25
Order for removing a pauper	50
Iſſuing ſci fa cias againſt ſpecial bail	25
Order for relieving a pauper	26
Iſſuing ſci fa cias to revive a judgment after a year and a day	30
Or to appraiſe damages in treſpaſs	30
Publiſhing banns of matrimony	67

§ 13 Prothonotary's fees

Every writ of capias entering action and ſeal	50
A bond given by the plaintiff when he is not a reſident of the territory	37 5
Filing a declaration	6
Copy of declaration or other pleadings if required per ſheet each ſheet containing ſeventy two words	6
Diſcontinuance or retraxit	12 5
Altering declaration in ejectment and admitting a defendant	15
Entering every motion and rule thereon	12 5
Copy of every rule when required	12 5
bringing a particular record into court	25

	D.	C.	M.
Entering satisfaction of record	12	6	
Receiving and entering verdict	12	6	
entering judgment		13	
Reading and entering allowance of every habeas corpus writ of error or certiorari and the return		25	
An execution		25	
Transcript of the record in error and returning it with the writ every sheet of seventy two words,			6
entering defendants appearance,			6
Drawing and filing special in or out of court		12	
every writ of enquiry per sheet			6
Filing every plea replication or rejoinder or other pleadings			6
A venire		25	
Receiving and entering the pannel & swearing the jury		12	
A habeas corpus juralorum		50	
Subpœna for four witnesses or under	37	5	
Swearing each witnes		6	
Swearing constable		6	
Making up and entering a record of a judgment per sheet of seventy two words		10	
engrossing		6	
Copy of a record of a judgment when required per sheet of 72 words,		10	
Searching the records within one year		12	5
every year back		6	
Copy of record per sheet of seventy			

	D.	C.	M.
two words each		10	
Entering report of referees		15	
On confeſſion of judgment, default joinder or demur		25	
entering rule of court on appointing referees		15	
Continuing each cauſe		20	
On ſurrender of principal in court by ſuret.es		15	
On every iſſue joined		25	
On entering every principal motion		10	
On every trial		25	
On drawing ſpeciallſt of jury attending and ſtriking and making copies of jury liſt for plaintiff and defendant		50	
Iſſuing commiſſion to tak depoſitions		50	
§ 14 Clerk of the diſtricts fees:			
For taking a recognizance and drawing it up in form to be paid to the clerk or other perſon who does the ſervice		37	5
For engroſſing every indictment and filing ſame		56	
Subpœna for four witneſſes or under		37	5
A venire or other writ		50	
entering defendants appearance		6	
An execution		50	
Making up the record per ſheet of ſeenty two words		12	6
opy of the ſame		10	
ery order or rule of court		9	
ering a nolo proſequi or ceſſat pro-			

	D.	C.	M.
sessus		18	
A venira for a jury to enquire of ri-			
ots forcible entries detainers &c.		50	
Drawing and engrossing inquisition			
and returning same		6	
filing record		12	5
entering the pannel and swearing the		25	
jury			
Swearing witness and constable each		6	
Reading each evidence and petition in		6	
court			
Taking and entering verdict		12	6
Entering judgment and the fine		15	
Entering defendants confession		15	
Copies of indictments and pleadings			
if required each sheet of seventy two		10	
words			
Receivingreading and filing every or-			
der brought to be allowed at the court			
of sessions and entering the confir-			
mation and recording the same as in			
other cases per sheet of seventy two		12	5
words			
For discharging a recognizance		10	
Each order on recommendation for			
license including record		25	
Reading petition and entering order			
of court thereon		20	
For examing every account in court		10	
On enterning appeal allowing			
habeas corpus and writ of certiora-			

	D.	C.	M.
ri, when presented from the judges of			
the general court		12	5
Every trial		25	
Continuing a cause		10	
Entering nolo prosequi		12	5
Certificate and seal		75	
To the clerk of the quarter sessions in			
lieu of all fees hereafter chargeable			
to the county the annual sum of	25		
§ 15th. Sheriffs fees in the common			
pleas in civil matters.			
For serving a writ and taking into			
custody		50	
For every mile as fixed by law		6	
Every bail bond and copy of same		50	
Returning a writ		9	
Summoning a jury		75	
Attending a view per day	1		
Going and returning	1		
Serving and returning a sciri facias		37	5

For proceeding to sell on any execution on behalf of the United States or of any individual of this territory if the property be actually sold or the debt paid the commission to the sheriff shall be five per centum on the first three hundred dollars and two per centum on all sums above that, and one half of such commission where the money is paid to the sheriff without seizure or where the lands or goods seized or taken shall not be

fold and no other fee or reward ſhall be allowed upon any execution except for the expence of removing & keeping the property taken			
Serving a writ of poſſeſſion with the aid of the poſſe comitatus	2	5	0
Every mile from the place of holding court			6
Serving ſuch writ without the aid of the poſſe comitatus	1	25	
For calling a jury on each cauſe		12	5
Every perſon committed to the common jail		37	5
Calling every witneſs			9
Diſcharging of every perſon out of the common jail,		37	5
Calling every action,			9
Executing writ of enquiry, drawing inquiſition and returning ſame	1	50	
Diſcharging every perſon by proclamation,			9
Serving a ſummons		37	5
For attending with a priſioner before a judge when ſurrendered by his bail and receiving the priſioner into cuſtody			50

In criminal caſes the like fees in the reſpective courts as for the like ſerviſes in civil caſes to be allowed where the defendant entered a nolo contendere, or on voluntary compoſition.

	D.	C.	M.
hath his fine metigated or where the services are done at the requeſt of, or for the eaſe or advantage of the defendant or priſoner or by order of court			
For dieting a priſoner per day		25	
To the ſheriff in ſieu of all fees that may be hereafter chargeable to the county the annual ſum of			50
§ 16th. Juror's fees in the common pleas.			
Every juryman ſworn in each action		25	
Every juror attending a view per day		50	
§ 17th. Coroner's fees			
For the view of each body		3	
Each juryman that ſits on the body		12	5
For witneſſes the ſame allowance as in the general court, ſerving writs in all caſes the ſame as is before allowed to the ſheriff for like ſervices. The fees of the coroner's inqueſt ſhall be certified by the coroner and paid by the treaſurer of the county			
§ 18th. Fees of the probate			
For adminiſtering an oath		18	
For all copies for each folio of one hundred and twentyeight words		18	
for ſeal		75	
for filing		18	
for a citation excluſive of ſeal		50	
for a letter of adminiſtration		2	50
Taking and filing a renunciation and			

	D. C. M.
taking proof of a renunciation and which proof the judge of probat is hereby authorised and required to take	50
Where a will or administration is contested for hearing and determining	2
for proving a will endorsing a certificate recording the same and filing it	2 50
for qualifying administrator taking bond and writing certificate	1 50
for a citation when issued	50
for filing a caveat	18
for proving a codicil if proved seperately endorsing certificate recording the same and filing it	1 50
for examining and proving an inventory or account	1
for granting administration with the will anhexed	2 50
for a search	18

§. 19 Recorders fees.

For recording mortgages per sheet of one hundred words	16
And the like fees for recording all other deeds and instruments	
For copies of records and deeds per sheet	12 5

§ 20th. Attornies fees in the common pleas and quarter sessions.

In all civil actions where the title of lands do not come in question,	2 50

	D.C.M
In all civil actions where the title of lands do come in question	5
For advice where the suit is not pending.	1 87
§ 21st. Secretary's fees.	
for copies or exemplification of records per sheet of seventy-two words twelve and one half cents,	12 5
And for seal and certificate thereto when required, seventy-five cents,	75
for affixing the seal to any patent, seventy-five cents,	75
for recording an extract of every patent for land where the same is not recorded at full length	25
for recording at full length any such patent, or the application of the patente requelling the same but not otherwise, for every hundred words	16
§ 22nd. Clerk of the orphans court.	
Entering every judgment order or rule of court,	20
for reading and filing every petition and report,	13
Entering report,	25
Certificate with seal annexed to a copy for parties use	50
Every citation	33
Entering settlement of accounts of executors and administrators	50
for every copy of said accounts not exceeding one hundred items with	

	D.C.M
certificate and seal of office	1 5
Reading and filing petition to sell land swearing administrator to the truth of the statement made and entering the necessary order thereon	67
Giving notice by order of court for sale of lands for every advertisement not exceeding three	25

§ 23d. And to the end all persons chargeable with any of the fees aforesaid may certainly know for what the same are charged none of the fees herein before mentioned, shall be payable by any person whatsoever until there shall be produced or ready to be produced unto the person owing or chargeable with the same a bill or account in writing containing the particulars of such fees, signed by the clerk or officer to whom such fees shall be due or by whom the same shall be chargeable respectively, in which said bill or account shall be expressed in words at lenth and in the same manner as the fees aforesaid are allowed by this law, every fee for which any money is or shall be demanded

§ 24th. The clerks of the general and circuit courts, clerks of the quarter sessions and prothonotaries of the court of common pleas of this territory shall cause to be set up in some public place in their offices and there constantly kept, a fair table of their fees

herein before mentioned, on pain of forfeiting forty dollars for every court day the same shall be missing through their neglect. Which penalty shall be to the use of the person or persons who shall inform or sue for the same, and shall and may be recovered in any court of record within this territory by action of debt or information.

§ 25th. If any officer hereafter shall claim, charge, demand, exact, or take any more or greater fees for any writing, or other business by him done, within the purview of this act, than herein before set down and ascertained, or if any officer whatsoever shall charge or demand and take any of the fees herein before mentioned where the business for which such fees are chargeable, shall not have been actually done and performed (to be proved by the fee book of such officer upon his corporal oath) such officer for every such offence shall forfeit and pay to the party injured, besides such fee or fees, six dollars for every particular article or fee so unjustly charged, or demanded, or taken, to be recovered with costs in any court of record in this territory, by action of debt or information, provided the same be sued for within twelve months after the offence shall be committed.

§ 26th. And for the better collection of the said fees, the clerks and prothonotaries of every court respectively, shall, annually before the first day of March, deliver o

cause to be delivered to the sheriff of every county in this territory their accounts of fees due from any person or persons residing therein which shall be sighed by the clerks or prothonotaries respectively.

§ 27th. And the said sheriffs are hereby required and empowered to receive such accounts and to collect levy and receive the several sums of money therein charged of the persons chargeable therewith, and if any such person or persons after the said fees shall be demanded shall refuse or delay to pay the same till after the tenth day of April in every year the sheriff of that district wherein such person resides, or of the district wherein such fees became due, shall have full power and are hereby required to make distress of the slaves or goods and chattels of the party so refusing or delaying payment either in that district where such person inhabits or where the same fees became due. And the sheriff of any district for all fees which shall remain due and unpaid after the said tenth day of April in any year either to themselves or the sheriff of other district which shall be put into his hands to collect as aforesaid is hereby authorised and empowered to make distress and sale of the goods & chattels of the party refusing or delaying payment, in the same manner as for other fees due to any of the officers herein before mentioned; but no action suit or warrant

from a juſtice ſhall be had or maintained for clerks or pro honotaries fees, unleſs the sheriff ſhall return that the perſon owing or chargeable with ſuch fees hath not ſufficient within his bailiwick whereon to make diſtreſs except where the clerk or prothonotary as aforeſaid ſhall have loſt his fee book by fire or other misfortune ſo that he be hindered from putting his fees into the ſheriff's hands to collect, and in that caſe any ſuit or warrant may be had and maintained for the recovery thereof And if any ſheriff ſhall be ſued for any thing by him done in purſuance of this law he may plead the general iſſue & give this law in evidence

§ 28th. Every ſheriff of every diſtrict, ſhall on or before the laſt day of May in every year, account with the clerks and prothonotaries reſpectively, for all fees put into his hands in purſuance of this law, and pay the ſame, abating ten per centum for collecting: And if any ſheriff ſhall refuſe to account or pay the whole amount of fees put into his hands, after the deduction aforeſaid made, together with an allowance of what is charged to perſons not dwelling or having no viſible eſtate in his diſtrict, it ſhall and may be lawful for the clerks or prothonotaries their executors or adminiſtrators upon a motion made in the next ſucceeding general court, circuit court, or in the court of common pleas of the diſtrict of ſuch ſheriff, to demand judgment againſt ſuch ſheriff for all

fees wherewith he shall be chargeable by virtue of this law; and such court is hereby authorized and required to give judgment accordingly, and to award execution thereupon; provided the sheriff have ten days previous notice of such motion.

§ 29th. The executors or administrators of any such sheriff or under sheriff shall be liable to judgment as aforesaid, for fees received to be collected by their testator or intestate, and accounted for. Every receipt for fees produced in evidence on any such motion, shall be deemed to be the act of the person subscribing it, unless he shall deny the same upon oath.

§ 30th. Sheriff's poundage and all other legal fees in a suit from final judgment to execution shall by the sheriff be levied out of the estate and effects of the person against whom such execution shall be issued.

The foregoing it hereby declared to be a law of the territory and to take effect accordingly. In testimony whereof we, William Henry Harrison, governor, & Thomas Terry Davis, John Griffin judges of the Indiana Territory have caused the seal of the territory to be thereunto affixed and signed the same with our names.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
JOHN GRIFFIN,

AN ACT

Establishing and regulating the militia.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same, That all the male inhabitants in the district between the age of sixteen and fifty shall be liable to and perform militia duty, and shall as soon as possible be formed into regiments, each regiment to consist of two battalions, each battalion of not more than four nor less than three companies, and each company of not less than forty nor more than eighty non commissioned officers and privates. Provided always that when the number of militia in a district is not sufficient for a regiment they shall compose a separate battalion, or be formed into independent companies as the one or the other may be found most convenient.

§ 2nd. And be it further enacted, That there shall be appointed to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer. To each battalion one major, and to each regiment one lieutenant colonel commandant. The regimental staff shall consist of one adjutant, one quarter master, and one pay-master to be chosen from amongst the

subaltern officers if fit persons can be found
One surgeon, one surgeon's mate, one ser
geant major, one quarter master sergeant
one drum major, and one fife major.

§ 3rd. And be it further enacted, That
each militia man shall provide himself with
in six months from the date of his enrollment
with a good musket, a sufficient bayonet and
belt, or a fusee, two spare flints, a
knapsack and a pouch, with a box therein
contain not less than twenty-four cartridges
suited to the bore of his musket or fusee, each
cartridge to contain a proper quantity of
powder and ball, or a good rifle, knapsack
pouch and powder horn, with twenty ball
suited to the bore of his rifle, and a quar
of a pound of powder: and every enrolled
person shall so appear armed, accoutred and
provided when called out to muster, or on
service, except when called out on company
days to exercise only, he may appear with
out a knapsack. The commissioned officers
shall severally be armed with a sword or hang
ger and espontoon, and every citizen so en
rolled and providing himself with arms and
munition and accoutrements required as
foresaid, shall hold the same exempted from
all suits, distresses, executions or sales for
damages, or the payment of taxes.

§ 4th. And be it further enacted, That
the judges of the supreme court of the state
the attorney general, clerk of the said
court, all ministers of the gospel that com-

o preach according to their ſect, all keepers
f jails, and ſuch other perſons as are exemp-
ed by the laws of the United States, shall
e and hereby are exempted from militia
uty.

§ 5th. And be it further enacted, That
very officer commiſſioned by virtue of this
, shall previous to his entering on the ex-
ution of his reſpective office, take the oath
allegiance to the *United States*, and the
lowing oath or affirmation, to wit:

do ſolemnly ſwear (or affirm,
he caſe may be) that (I will faithfully and
y execute the duties of a in the
tia of the according to the
of my abilities, ſo help me God.

ch oath or affirmation shall be endorſed
he back of the commiſſion, by the perſon
niſtering the ſame.

6th. And be it further enacted that
e ſhall be an adjutant general appointed
diſtrict whoſe duty it ſhall be to diſtri-
ll orders from the commander in chief
diſtrict to the ſeveral corps to attend at
reviews when the commander in chief
review the militia or any part thereof,
bey all orders from him relative to carry-
nto execution and perfecting the ſyſtem
ilitary diſcipline eſtabliſhed by this act, to
h blank forms of the different returns
y be required & to explain the princi-
which they ſhould be made to receive
ſeveral officers of the different corps

throughout the district returns of the militia under their commands, reporting the actual situation of the arms accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order & discipline all which the several officers of regiments battalions and companies, are hereby required to make in the usual manner, so that the adjutant general may be duly furnished therewith, from all of which returns he shall make proper abstracts, and lay the same annually before the commander in chief of the district. Provided always, that the adjutant general of the militia of this district be ex officio inspector general of the same.

§ 7th. And be it further enacted, That the non commissioned officers shall be appointed by the commandants of the corps, upon the recommendation of the captains, and if any person so appointed shall refuse to perform the duties of his office, he shall be fined by a court martial in any sum not less than two nor more than twenty dollars.

§ 8th. And be it further enacted, That the bounds in which the several battalions & companies are to be called shall be fixed by a board composed of all the captains and field officers of each respectively who shall be assembled by the commandant at some convenient place for the purpose.

§ 9th. And be it further enacted, That there shall be private musters of each com-

pany once in every two months at ſuch time and place as the commandants thereof ſhall appoint except in the months of December, January, February and March of every year. There ſhall be a muſter of each battalion in the month of April in every year to be appointed by the commandants of regiments, & one of each regiment in the month of October in every year, unleſs from the diſperſed ſituation of the companies it ſhould be diſpenſed with by the commander in chief, in which caſe as many companies as can conveniently aſſemble ſhall be muſtered at one place.

§ 10th. And be it further enacted, That every officer and ſoldier ſhall appear at his reſpective muſter field on the day appointed by eleven o'clock; and at every muſter each captain or commanding officer of a company ſhall direct the firſt ſergeant of his company in his preſence to call the roll at half paſt eleven o'clock preciſely, examine every perſon belonging thereto, and note down all delinquencies occuring therein, and make return thereof, as well of the ſtrength of the company, number of rifles, muſkets, bayonets, fuſees, &c. on parade, to the commanding officer of his battalion within ten days after any ſuch regimental, battalion or company muſter.

And every commanding officer of a battalion, ſhall at his regimental or battalion muſter [as the caſe may be] at the hour on

which the battalion is formed, in like manner proceed to call the names of the commissioned officers of his battalion examine & note down all delinquencies and make return thereof together with those reports from commanding officers of companies, to the commanding officer of the regiment to which he belongs within fifteen days next succeeding such battalion or regimental muster (as the case may be.)

§ 11th. And be it further enacted, That the commanding officers of each regiment, within twenty days next after a muster of his regiment or of the battalion of the same shall cause the adjutant of his regiment to make out a complete return, of the same (agreeably to such forms as shall be furnished by the adjutant general, not particularly its strength and number of arms) to the inspector of the brigade.

§ 12th. And be it further enacted, That if any militia man shall neglect or refuse to attend at any company muster fixed under the authority of this law, he shall be fined in a sum not exceeding seventy five cents unless he shall render an excuse to the satisfaction of the commanding officer of his corps. If any militia man shall neglect or refuse to attend at such times as may be fixed for the regular muster of his corps or shall neglect or refuse to attend at such time & place as the commander in chief may specially direct, for muf-

ter review, and exercise he shall be fined in the sum of cents unless excused as aforesaid.

§ 13th. And be it further enacted, That the fathers shall be bound for the payment of fines incurred by their sons under the age of twenty one, guardians for the payment of fines incurred by their wards, and masters for the payment of fines incurred by their apprentices, and be charged therewith by the collectors of fines accordingly.

§ 14th. And be it further enacted, That all fines collected as aforesaid and paid to the quarter masters of the regiment shall by them be appropriated under the direction of the commandant of the corps to the purchase of drums fifes and colors.

§ 15th. And be it further enacted, That if any by-stander, at a regimental battalion or company muster, shall insult or otherwise molest any officer or soldier while on parade the commanding officer of the regiment, battallion troop or company (as the case may be) may order such person or persons put under guard for any time not exceeding six hours and to pay a fine not exceeding four dollars, which shall be collected as other militia fines.

§ 16th. And be it further enacted, That whenever it may be necessary to call into actual service any part of the militia, on an actual or threatened invasion, of this district, or of any of the neighboring states that it shall and may be lawful for the governor to order

into actual service such part of the militia as the exigency may require.

§ 17th. And be it further enacted, That if any sudden invasion shall be made or threatened to be made into any district within this district, by Indians or any other power the commanding officer of the militia of such district is hereby authorised and required to order out the whole or such part of the militia of his district as he may think necessary, in such manner as he may think best for the repelling such invasion, and shall call on the commanding officers of the adjacent districts for such aid as he may think necessary who shall forewith in like manner furnish the same. And it shall be the duty of every commanding officer of a district on receiving information of the intended invasion, of his any neighboring district forthwith to convey information of the same by special messenger or otherwise to the governor of the district for the time being, that he may make the necessary arrangements for repelling the same.

§ 18th. And be it further enacted, That if any male as aforesaid shall neglect or refuse to appear upon the order of the commander in chief, or other officers as aforesaid for guards or other ordinary military duty or refuse to perform the same, he shall be fined in the sum of one hundred cents, which offence shall be heard and determined by the officers of the company to

which the offender may belong and upon conviction a warrant of diſtreſs ſhall iſſue from the commander of ſuch company, directed to either of the ſergeants of the ſame, requiring him to collect the fines aforeſaid & pay the ſame into the quarter maſter of the regiment within twenty days next after iſſuing ſuch warrant. For the ſecond and all ſucceeding offences in the caſe above mentioned the perſon charged with having committed the ſame ſhall be heard tried and ſentenced by court martials.

§ 19th. And be it further enacted That if any male inhabitant as aforeſaid, ſhall neglect or refuſe to appear and perform his duty under the orders of the commander in chief againſt an enemy invading the diſtrict, or ſhall refuſe, diſobey or neglect the orders given by his officers, or any of them in time of action, he ſhall be deemed guilty of cowardice and deſertion, and be heard, tried and ſentenced by a court martial.

§ 20th. And be it further enacted, That all officers ſhall be attentive to the forming, diſciplining, parading and commanding their reſpective corps, and to ſuch other duties as ſhall reſpectively bind them by this law, and the orders from time to time to be given by the commander in chief.

§ 21ſt. And be it further enacted, That if any officer ſhall be guilty of a breach of this law, or in any reſpect violate or neglect

his duty, he shall be heard, tried and sentenced by a court martial.

§ 22nd. And be it further enacted, That a court martial shall consist of not more than thirteen members, nor less than five, whereof one at least shall have rank superior to that of captain.

§ 23rd. And be it further enacted, That all court martials shall be appointed by the commander in chief, or the commanding officers of a regiment or battalion; but the commander in chief only shall have the power of approving and carrying into effect sentences of court martials, whereby the punishment shall be capital, or an officer cashiered.

§ 24th. And be it further enacted, That when in the opinion of the commander in chief, such corps can be conveniently raised and equipped, independent troops of horse, and companies of artillery, grenadiers, light infantry and rifle men may be formed, which shall be officered, armed, and wear such uniforms as the commander in chief shall direct.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October,

one thousand eight hundred and four, and of the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

VI.

A LAW

Regulating county rates and levies.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same,

§ 1st. That all houses in town, town lots, out lots, and mansion houses in the country, which shall be valued at two hundred dollars and upwards, and all able bodied single men, who shall not have taxable property to the amount of four hundred dollars, all water and wind-mills, and ferries, all stud horses, and other horses, mares, mules and asses, three years old and upwards, all neat cattle three years old and upwards, all bond servants and slaves, except such as the court of quarter sessions shall exempt for infirmities, between sixteen and forty years of age, within this district, are hereby declared to be chargeable, for defraying the county expences, in which they may be respectively

found, to be taxed and collected in such manner and proportion as herein after directed.

§ 2nd. And be it further enacted, That the sheriffs in the several districts within this shall and are hereby empowered and required as herein after mentioned, to receive from each and every person or persons chargeable with taxes under this law, a written list under oath, containing a just and true account of all and every species of property in his or her possession or care, subject to taxation under this law, and the said sheriffs respectively, are hereby empowered and directed to administer the following oath or affirmation to such persons. I, A B, do solemnly swear or affirm, [as the case may be] that this list signed by me, contains a just and true account of all persons, and of every species of property in my possession or care within this district, and that no contract, change or removal has been made or entered into, or any other method devised, practised or used by me in order to evade the payment of taxes.

§ 3rd. And be it further enacted, that the said sheriff shall advertise at the county town and also in each and every township in their that he will attend at a convenient place therein to be mentioned not within five days of such advertisement in each township to receive of each person a list of all the taxable property which they possess as above-mentioned, and the said persons are hereby

required to attend, at such time and place in their respective townships therefor accordingly.

§ 4th. And be it further enacted, That if any person or persons shall give or deliver to a sheriff a false or fraudulent list of persons or property subject to taxation or shall refuse to give a list on oath or affirmation, at such time and place, to the sheriff the person or persons so refusing shall be liable to a fine of fifteen dollars, and the sheriff shall proceed to list such person or persons property agreeably to the best information he can procure, and all such property so ascertained shall be moreover subject to a triple tax to be collected and destrained for by the sheriff of the as in other cases, and in the case of an imperfect false or fraudulent list, the person or persons giving the the same shall be subject to pay a fine of fifteen dollars, and the property subject to a triple tax which fines and triple tax shall be recovered in the court of common pleas by the following mode of proceeding and applied as herein after directed.

§ 5th. And be it further enacted, That the sheriff shall give information thereof personally or if unable to attend in writing under his hand to the next court of common pleas held for his which court shall forthwith direct the prothonatary to issue a summons requiring the party to appear at the next court to be held for the

to shew cauſe if any he can, why he should not be fined and triply taxed, for giving an imperfect or fraudulent liſt of his or her taxable property, and the perſon or perſons upon being ſerved therewith by the coroner, and appearing ſhall immediately plead to iſſue, and the matter thereof ſhall be enquired into by a jury or the court at the defendant's option, and on conviction or the perſon not appearing being ſummoned the fine and triple tax, ſhall be eſtabliſhed by the judgment of the court, who unleſs good cauſe ſhewn at the next ſucceeding court, for ſuch failure, ſhall award execution for the fine and coſts and certify the amount of the tax to the ſheriff for collection, the amount of which fine after deducting thereout ſuch allowance as the court may think reaſonable to make the coroner for his extraordinary trouble on the occaſion, ſhall be applied towards leſſening the county levy, and the triple tax ſhall be charged to the ſheriff and accounted for in like manner as other taxes.

§ 6th. And be it further enacted, That every perſon or perſons having knowledge of any incorrect tax or fraudulent liſt being given a ſheriff ſhall give information thereof either to a ſheriff or the county court of common pleas in like manner as the ſheriff is directed and thereupon the ſame mode of proceedings ſhall be had, as if the ſheriff gave information and the perſon informing ſhall be enti-

ted to receive one half of the fine imposed on the offender or offenders, to his own use the other half to be applied towards leffening the county levy.

§ 7th. And be it further enacted, That in cafe any perfon taxable fhould not attend at the time and place notified by the fheriff to give in a lift of his taxable property and it fhould appear to the fheriff that fuch abfence was not intentional, or done with a view of avoiding the delivery of fuch lift, it fhall be lawful for the fheriff to receive his or her lift at any time at the dwelling houfe of the fheriff provided fuch perfon tenders his or her lift, to the fheriff and makes oath to the juftnefs of it, on or before the twentieth day of March annually and in cafe of failure the fheriff fhall proceed in like manner as is before directed in cafe of refufal, to give in lifts and the court fhall determine upon the circumftances whether to inflict or remit the fine and triple taxes.

§ 8th. And be it further enacted, That the fheriffs in the feveral throughout this diftrict fhall and they are hereby required to make two fair and complete lifts of the perfons and property fo taken in, and arranged in alphabetical order in manner following to wit:

Names of persons.	Number of bond servants and slaves.	Number of horses &c. above three years old.	Number of neat cattle above three years old.	Number of mud horses.	Rate the season.

One of which he shall keep, and the other together with the vouchers taken by him as aforesaid shall deliver to the clerk of the court of quarter sessions on or before the last day of March yearly, which list and vouchers the clerk shall file in his office, and the clerk of the said court shall make thereof a true transcript which he shall lay before the court at the same term at which they audit the public accounts for their examination and allowance.

The bill of tax being allowed by the said court, they shall annex thereto their warrant, under the hand and seal of the presiding justice, and the clerk of the said court shall, ten days thereafter, deliver the same to the sheriff for collection, for which, and for all other services, rendered under this law, the said clerk shall receive from the

ten dollars. Every sheriff so charged, shall collect all sums for which he is accountable within four months after he is charged with the collection of the same, and shall be allowed in full compensation for his trouble in taking in the property and collecting the levy ten percentum on all sums by him collected, and the said sheriff shall previous to his entering upon those duties take and subscribe before any justice of the peace the following oath or affirmation. "I do solemnly swear or affirm (as the case may be) that I will faithfully and impartially execute the office of a collector of according to the best of my abilties." Which oath shall be filed by said justice with the clerk of the court of quarter sessions, and the said sheriff enter into a bond in the penalty of two thousand dollars payable to the governor of the and his successors in office, with two or more responsible sureties, and bound for the faithful collection, accounting for and paying the sums wherewith he shall be chargeable as collector of the in manner directed by law; and every sheriff so charged to collect the taxes and levies, may appoint one or more deputies to fulfil him as well in taking in the property, as in the collection of the levy, for which conduct he shall be answerable, which deputies shall have the same power as the sheriff himself, and such sheriff shall have the same remedy and mode or recovery against his deputies, or either of

them, and their ſureties reſpectively for any ſums of money which by virtue of this law ſuch ſheriff may be ſubject to the payment of on account of the tranſactions of any of his deputies, as he himſelf is ſubject to by law; and all monies collected by the ſheriff as aforeſaid, ſhall remain in his hands ſubject to the orders of the court of quarter ſeſſions of each respectively for the payment of the debts of the

§ 9th. And be it further enacted, That the following rate of taxation be obſerved by the court of quarter ſeſſions in levying the tax, viz. on each horſe, mare, mule or aſs, a ſum not exceeding fifty cents, on all neat cattle as aforeſaid a ſum not exceeding ten cents, on every ſtud horſe a ſum not exceeding the rate for which he ſtands at the ſeaſon, every bond ſervant and ſlave as aforeſaid a ſum not exceeding one hundred cents, and every able bodied ſingle man of the age of twenty-one years and upwards, who ſhall not have taxable property to the amount of four hundred dollars a ſum not exceeding two dollars nor leſs than fifty cents.

§ 10th. And be it further enacted, That it ſhall be the duty of the court of quarter ſeſſions throughout this diſtrict, at the firſt term next after the laſt day of March annually, and at other ſpecial ſeſſions as they ſhall appoint, to proceed and audit and adjuſt all claims and demands againſt their allowing all juſt claims and demands, which now

are or hereafter shall be chargeable upon the ſaid reſpectively.

§ 11th. And be it further enacted, That the ſeveral courts of quarter ſeſſions throughout this diſtrict at their court preceding the thirty-firſt day of March annually, appoint two diſcreet freeholders in each township, who shall proceed to appraiſe and value each houſe in town, town lot, town out lot, and manſion houſe in the country of the value aforeſaid, and alſo shall appraiſe and value all water and wind mills, ſituate on ſuch tract of the country as may be aſſigned to them reſpectively by the court of quarter ſeſſions, taking into view the ſituation and value of the ſame, and the ſaid freeholders, after having fixed ſuch valuation, shall proceed and make two fair alphabetical liſts thereof, ſtating the proprietors or ocuupiers of ſuch lots and mills with the valuation of each annexed to the ſame, in form following, viz.

Proprietors owners or occupiers names.	Town lots and out lots.	Wind and water mills.	Houses, &c.	Valuation in dollars.

One of which liſts of valuation the ſaid freeholders shall keep, and deliver the other to the quarter ſeſſions at the next court to be

held for ſaid which liſts ſhall be filed by the clerks in their reſpective offices, and the ſaid quarter ſeſſions ſhall at the ſame time when they lay the tax, levy a ſum not exceeding thirty cents on each hundred dollars of ſuch appraiſed value.

§ 12th. And be it further enacted, That it ſhall be the duty of the court of quarter ſeſſions throughout this diſtrict, at the ſame term at which they audit the public accounts of the ſheriff for monies collected and paid by him as aforeſaid and having allowed all ſuch claims and demands againſt the as are juſt and reaſonable to proceed to aſcertain the probable expences of the county the aggregate amount of claims allowed and alſo ſuch ſum or ſums of money as will be neceſſary to carry into effect any contract that ſhall have been made for building or repairing any county jail, court houſe or bridges, adding thereto the expence of collection, & ſuch other ſum or ſums of money as the ſaid court of qaurter ſeſſions ſhall conceive needful to make good deficiencies in collections, inſolvencies, delinquencies and other contingencies. And the ſaid court ſhall take into view the money (if any there be) in the treaſury, the probable amount that will be received from licences, to vend and retail merchandize, tavern licenſes, and taxes on ferries, and other ſources of county revenue, ſuch as fines, forfeitures, &c. after which the ſaid court ſhall proceed to levy a tax up-

on the owners proprietors or occupiers of all & ſingular, the objects of taxation pointed out by this or any other law, having due reference to the returns of the ſheriffs and freeholders aforeſaid, and the rule of taxation, truly apportioning ſuch tax upon all objects, taxable by this law, ſo as to raiſe a ſum of money ſufficient to anſwer and ſatisfy all demands, then exiſting againſt the ſaid county, or which ſhall afterwards become due by virtue of any contract or contracts by the ſaid court of quarter ſeſſions in behalf of the county as aforeſaid, previouſly made and entered into, and to anſwer ſuch other contingent county expences, as the neceſſities of ſaid county may require.

§ 13th. And be it further enacted, That from and after the firſt day of March next every perſon within this diſtrict being owner or occupior or poſſeſſor of merchandize, other than the produce or manufacture of this diſtrict ſhall previouſly to offering the ſame for ſale by himſelf or agent within the diſtrict or on any of the waters within or bounding the ſame pay to the ſheriff for the uſe of the county, in which he or ſhe reſides, or offers ſuch merchandize for ſale, the ſum of fifteen dollars for each ſtore or ſtand, in which he or ſhe may vend any ſuch merchandize and the ſheriff, on receipt thereof ſhall give ſuch perſon paying as aforeſaid a certificate in the words following, viz.

Diſtrict of Upper Louiſiana.

The day of one thousand eight hundred and This certifies that A B is authorised to vend merchandize within this district for one year from the date hereof the said A B having this day paid to me C D sheriff of the said the sum of fifteen dollars it being the annual tax imposed on the retailers of merchandize by a law of this district.

C D Sheriff of the of

Any person obtaining a certificate as aforesaid shall be authorised to vend and sell merchandize by retail in this district for one whole year from the date of the same and no longer. And if any person or persons shall after the first day of March next, presume by himself or agent to vend or sell any kind of merchandize within this district or on any of the waters aforesaid not the growth or manufacture of this district not having obtained a certificate as aforesaid he she or they so offending shall for every such offence forfeit and pay a sum not exceeding eighteen dollars to and for the use of the in which the offence shall have been committed to be recovered at the suit of the sheriff whose duty it is hereby made to prosecute therefor before any court proper to try the same.— And the sheriff is hereby required to keep a fair account of all monies received as aforesaid, and also a regular account of the dates of all the certificates given by him to retail-

ers or venders of merchandize under this law and it shall be the further duty of the sheriffs respectively to lay the same before the court of quarter sessions at the same term at which they audit the public accounts annually.

§ 14th. And be it further enacted, That it shall be the duty of the court of quarter sessions in each and every district at their session next after the thirty first day of March annually to fix and establish a reasonable tax or duty upon each ferry within their respective districts, the said court in fixing said tax to take into consideration the value and income of said ferries, provided that no one ferry shall be taxed in one year more than ten dollars. And it shall be the duty of the courts of general quarter sessions when they lay the district levy, to tax the owners or proprietors of such ferries accordinly.

§ 15th. And be it further enacted, That if any sheriff shall take demand or receive of any person from whom taxes are due, more than his, her or their proper taxes, or shall in any sale of property taken for taxes, act contrary to the true intent and meaning of this act, or shall neglect or refuse to render a just and true account of all such sales to the district court of quarter sessions, he shall forfeit and pay any sum not exceeding one hundred dollars, to be recovered by action of debt, qui tam, or by indictment before any court having jurisdiction, the one half to the person suing for the same, the other half to

the uſe of the diſtrict, and moreover be ſubject to the ſuit of the party injured for damages.

§ 16th. And be it further enacted, That all ſheriffs ſhall ſettle and cloſe their accounts annually with the diſtrict courts of quarter ſeſſions, at the ſecond term after the period at which they are obliged by this law, to finiſh the collection of the taxes, and ſhall in their ſettlement be credited for all the orders of the ſaid court by them produced, and by ſuch deficiencies ariſing from delinquencies and inſolvencies as the ſaid court ſhall allow, together with the commiſſion and paying the monies by them received, but ſhould any ſuch ſheriff fail or neglect to ſettle his accounts in manner aforeſaid, it ſhall be the duty of the attorney proſecuting the pleas in the reſpective diſtricts on giving ſuch delinquent ſheriff and his ſecurity their executors or adminiſtrators ten days notice thereof in writing, delivered perſonally or left at their uſual place of abode, on motion to obtain a judgment againſt them before any court having competent juriſdiction for the amount due ſuch diſtrict, with an intereſt of twelve per cent thereon from the time the ſame became due. Provided always, That if any ſuch delinquent ſheriff ſhall produce his account authenticated as aforeſaid to the court to which he is notified, judgment ſhall not be taken for more than the balance due the county with intereſt as aforeſaid.

§ 17th And be it further enacted, That the ſeveral courts of quarter ſeſſions ſhall have power and they are hereby authoriſed to make and enter into contract in the name, and on behalf of their ſaid diſtrict for building anew or repairing diſtrict jails, courthouſes, priſons, ſtocks and whipping poſts and diſtrict bridges, when and ſo often as the courts of quarter ſeſſions may conceive the intereſt or convenience of ſaid diſtricts may require. And the better to carry ſuch contract into operation, the ſaid courts reſpectively may appoint one or more perſons to ſuperintend ſuch building or repairs, and to ſee that the ſame is done agreeably to the conditions of ſuch contract and to make reaſonable allowances to ſuch perſon or perſons for his or their ſervices therein. The original contracts ſo by the ſaid courts to be made for the purpoſes aforeſaid ſhall be filed in the office of the clerk of the ſaid court. And the ſaid courts are hereby authoriſed and required to paſs, audit and allow the accounts and demands ariſing under ſuch contracts made by ſaid courts the ſame being certified by three juſtices of ſaid court, and to draw orders in favour of ſuch creditors in like manner as they draw other orders on the treaſury. Provided always, that no ſuch contracts by the ſaid courts to be made ſhall be of any force or authority to warrant the ſaid court to allow or paſs any account or demands ariſing thereon unleſs the perſon contracting with the ſaid court

ſhall enter into bond with one or more ſufficient ſurety or ſureties to be approved of by the ſaid court in double the ſum of ſaid contract payable to the juſtices of ſaid courts for ſaid diſtrict, or their ſucceſſors in office, conditioned for the faithful performance of ſuch contract, which bond when executed ſhall be lodged with the clerk of ſaid court, in truſt for ſaid diſtrict.

§ 18th. And be it further enacted, That if any juſtice of the peace, ſheriff as collector, coroner, clerk of the ſeſſions liſter or freeholder ſhall neglector refuſe to do or perform any of the duties required of them or either of them by this law, he, ſhe or they ſhall forfeit and pay any ſum not exceeding one hundred dollars, be recovered before any court having juriſdiction by action of debt, qui tam, or indictment, one moiety to the perſon ſuing for the ſame, the other to the uſe of the diſtrict.

§ 19th. And be it further enacted That if any perſon charged with diſtrict taxes or levies by virtue of this act, ſhall neglect or refuſe to pay the ſame to the collector or his deputy within three months next after the court of quarter ſeſſions at which the diſtrict tax or levy is or ſhall be approved, the collector or his deputy ſhall have power to take the property of ſuch delinquent, (he firſt having demanded the ſame, and furniſhed ſuch perſon with the ſum, of his or her tax ten days before ſuch diſtreſs made, or having left a copy of ſuch tax, ten days as aforeſaid at

the usual place of abode of such delinquent) and may proceed to sell the same to the highest bidder, Provided always, that ten days previous notice of such sale be given by advertising the same at the most public place in the township where such delinquent resides. And provided also that the delinquent may at any time before the property destrained be sold, ask for demand and receive the same on tendering his or her taxes then due, and the expences of keeping the property destrained, and in case the property taken sells for more than the taxes that are due, the collector shall pay the overplus, (after deducting reasonable expences for keeping and taking care of such property) to the person from whom the same was taken, and the said collector shall keep a fair and regular account of all such sales, stating particularly what he detained for his trouble in keeping the property &c. and lay the same before the court of quarter sessions who shall examine the same, and if they find the collector has acted in any wise improper, they shall forthwith see justice done to the party injured.

§ 20th. And be it further enacted, That it shall be the duty of the house holders in each respective district to give in to the sheriff at the same time that they deliver in a list of their taxable property and under the like penalties, the names of all single men (above the age of twenty one years and who have not taxable property to the amount of four

hundred dollars) who lodge or dwell in their respective houses and if any such single man, &c. as above mentioned, shall neglect or refuse, on application being made to him for the purpose by the sheriff or his deputy to pay his tax, it shall be lawful for such sheriff or deputy to commit such delinquent to the district jail where he shall remain until the said tax shall be paid, unless some responsible person in the opinion of the sheriff shall be forthcoming therefor.

§ 21st. And be it further enacted, That the office of district treasurer in each of the districts within this district shall be performed by the sheriffs in each of the districts respectively who shall be allowed two per centum on all the monies by them paid upon the orders of the court of quarter sessions or otherwise conformable to law.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independendence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

VII

A LAW

Establishing Courts of Judicature.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same,

§ 1st. That there shall be a court styled the general quarter sessions of the peace holden and kept four times in every year, in every district, viz. In the district of Saint Charles on the first Tuesdays of July, October, January and April yearly and every year, in the district of Saint Louis on the third Tuesdays of June, September, December and March, yearly and every year, in the district of Saint Genevive, on the second Tuesdays of June, September, December and March, yearly and every year; in the district of Cape Gerardeau, on the third Tuesdays of June, September, December & March, yearly and every year; and in the district of New-Madrid, on the last Tuesdays in June, September, December and March, yearly and every year.

§ 2nd. And be it further enacted, That there shall be a competent number of justices in every district, nominated and authorised by the governor, by commission under the seal of the which said justices or any three of them shall and may hold the said general sessions of the peace according to law.

§ 3rd. And be it further enacted, That the ſaid juſtices of the peace or any three of them ſhall and may purſuant to their ſaid commiſſions hold ſpecial and private ſeſſions, when and as often as occaſion ſhall require. And the ſaid juſtices and every of them ſhall have full power and authority in or out of court to take all manner of recognizances, and obligations as any ſuch juſtice of the peace, in any of the United States may, can or uſually do; which ſaid recognizances and obligations ſhall be made to the United States. And all recognizances for the peace behaviour, or for appearance which ſhall be taken by any of the ſaid juſtices out of ſeſſions ſhall be certified into their ſaid general ſeſſions of the peace to be holden next after the taking thereof; and every recognizance taken before any of them for ſuſpicions of any manner of felony, or other crime not triable in the ſaid court of general quarter ſeſſions of the peace, ſhall be certified before the judges of the general court, or court of oyer and terminer, at their next ſucceeding court to be holden next after the taking thereof, without concealment of, or detaining or embezzelling the ſame; but in caſe any perſon or perſons ſhall forfeit his or their recognizance of the peace behaviour, or appearance for any cauſe whatſoever, then the recognizance ſo forfeited, with the record of the default, or cauſe of the forfeiture, ſhall be

ſent and certified without delay by the juſtices of the peace, into the ſaid general court, or court of oyer & terminer, as the caſe may require, that thence proceſs may iſſue againſt the ſaid parties according to law, all which forfeitures ſhall be levied by the proper officers, and go to the uſe of the ſaid diſtrict.

§ 4th. And be it further enacted, That all fines and amercements which ſhall be laid before the ſaid courts of general quarter ſeſſions of the peace, ſhall be taxed, affeered & ſet, duly and truly, according to the quality of the offence, without partiality or affection and ſhall be yearly eſtreated by the clerks of the ſaid courts reſpectfully, into the ſaid general court or court of oyer and terminer, to the intent that proceſs may be awarded to the ſheriff of every diſtrict as the caſe may require, for levying ſuch of their fines and amercements as ſhall be unpaid, to the uſes for which they are or ſhall be appropriated.

§ 5th. And be it further enacted, That the ſaid courts of the general quarter ſeſſions of the peace, may be kept and continued for the ſpace of three legal days, or ſeventy-two hours, in every of the ſaid diſtricts reſpectively at any of the ſaid times herein before appointed, to hold and keep the ſaid court and ſeſſions.

§ 6th. And be it further enacted, That to the end that perſons indicted or outlawed, for felonies or other offencies, in any diſtrict or town corporate, who dwell, remove o

may be received into any other district or town corporate, may be brought to justice, it is hereby directed that the justices or any of them, shall and may direct their writs or precipts to all or any of the sheriffs or other officers of the said districts, (where need shall be) to take such persons indicted or outlawed, and it shall and may be lawful to and for the said justices, and every of them to issue forth subpœnas and other warrants under their respective hands and seal, of the district into any other district within this district for summoning or bringing any person or persons to give evidence in and upon any matter or cause whatsoever, now or hereafter examinable or in any ways triable by or before them, or any of them, under such pains and penalties as subpœnas or warrants of that kind usually are or ought by law to be granted or awarded.

§ 7th. And be it further enacted, That if any person or persons shall find him or themselves aggrieved by the judgment of any of the said courts of general quarter sessions of the peace or of any other court of record within this district, it shall and may be lawful to and for the party or parties so aggrieved to appeal from the said judgment under the restrictions and regulations of the law to regulate the practice of the general court upon appeals & writs of error, or to have his or their writ or writs of error, which shall be granted of course in manner as other writs are to be

granted and made returnable to the general court:

§ 8th. And be it further enacted, That there shall be holden and kept twice in every year a supreme court of record, which shall be called and styled the general court; the sittings of which court, to commence at St. Louis, on the first Tuesdays in May and the last Tuesday's in October yearly and every year, and the judges of the said court, and every of them, shall have power when and as often as there may be occasion to issue forth writs of Habeas Corpus, Certiorari, and writs of error; and all remedial and other writs & process returnable to the said court and grantable by the said judges by virtue of their office.

§ 9th. And be it further enacted That the said judges or any two of them, shall in their said court hear and determine all causes matters and things cognizable in the said court, and also hear and determine all and all manner of pleas, plaints, and causes which shall be removed or brought there from the respective general quarter sessions of the peace, and courts of common pleas, or from any other court to be holden for their respective districts, and to examine and correct all and all manner of errors of judgments, process and proceedings in the said courts, as well in all pleas real, personal & mixed, and thereupon to reverse or affirm the said judgments as the law doth or shall direct, and also

to examine correct and punish the contempts omissions and neglects favors corruptions and defaults of all or any of the justices of the peace sheriffs coroners clerks and other officers, within the said respective districts and also shall award process for levying as well of such fines forfeitures and amercements as shall be estreated into the general court, as of the fines forfeitures and amercements, which shall be lost taxed and set there and not paid to the uses to which they are or shall be appropriated and generally shall minister ample justice to all persons, and amply exercise the jurisdictions and powers herein mentioned, concerning all and singular the premises according to law.

§ 10th. And be it further enacted, That all the said writs shall run in the name and style of the *United States of America*, and bear teste in the name of the chief justice or presiding judge and shall be sealed with the judicial seal of the said court, and made returnable to the next court after the date of such writs.

§ 11th. And be it further enacted, That the judges of the general court, have power from time to time to deliver the jails of all persons who now are, or hereafter shall be committed for treasons murders and such other crimes as by the laws of this district now are, or hereafter shall be made capital, or felonies of death as aforesaid and for that end, from time to time, to issue forth such necessary

precepts and proceſs, and force obedince thereto, as juſtices of the aſſize, juſtices of oyer and terminer, and of jail delivery, may or can do, within the *United* States.

§ 12th. And be it further enacted, That the ſaid court ſhall have juriſdiction in all criminal caſes, and excluſive juriſdiction in all thoſe which are capital, and original juriſdiction in all civil caſes of the value of one hundred dollars and upwards, and appellate juriſdiction in all caſes.

§ 13th. And be it further enacted, That in all criminal proſecutions which may be brought into any of the courts of the diſtrict the trial ſhall be by a jury of twelve good and lawful men of the vicinage, and in all civil caſes the trial ſhall be by jury if either of the parties require it, and all caſes where neither of the parties ſhall require a jury the law and fact ſhall be determined and damages aſſeſſed by the court and execution awarded as in other caſes. That the party requiring a jury ſhall by himſelf or his attorney ſignify ſuch requiſition in the rule book at the rule day ſucceeding the filing the declaration by the plaintiff in the cauſe.

§ 14th. And be it further enacted, That in all caſes whatſoever civil criminal and mixed the parties ſhall be heard by counſel, & ſhall have compulſory proceſs to bring their witneſſes who ſhall be examined viva voce in open court.

§ 15th. And be it further enacted, That

in order to compel the due attendance of jurymen on the ſaid general court, and all other courts within this diſtrict, it is hereby declared, that if any perſon ſhall be duly ſummoned to attend any court of judicature, to ſerve on a jury, or any inqueſt required by law, and ſhall neglect or refuſe to give his attendance on the day and during the time his ſervice is neceſſary, every ſuch perſon ſo offending ſhall be fined for every ſuch offence in the general court, and court of oyer and terminer, by the judges thereof, any ſum not exceeding eight dollars, and for every ſuch offence in the court of common pleas, or court of quarter ſeſſions of the peace, for any diſtrict within this diſtrict, by the juſtices thereof any ſum not exceeding five dollars, unleſs ſuch delinquent ſhall at the ſame, or next ſucceeding court render to the judges or juſtices thereof a reaſonable excuſe for ſuch neglect or refuſal, to be allowed by ſuch of them as ſhall be preſent, which ſaid judges or juſtices, are hereby empowered and required on failure of ſuch delinquent to render ſuch reaſonable excuſe to iſſue a writ to the ſheriff of the diſtrict to levy the ſaid fines on the goods and chattels of every ſuch delinquent, to be paid to the clerks of the ſeveral courts of quarter ſeſſions, common pleas and general court reſpectively and by the ſaid clerks to the diſtrict treaſurer, for the uſe of the diſtrict.

§ 16th. And be it further enacted; That

a competent number of persons shall be commissioned by the governor, under the seal of the as justices of the common pleas who shall hold and keep a court of record in every district, and which shall be styled and called the court of common pleas of (naming the particular district) and shall be holden four times in every year, in each district, at the place where the general quarter sessions of the peace shall be respectively kept, which said justices, or any three of them, according to the tenor and directions of their commissions, shall hold pleas of assize, scira facias replevins, and hear and determine all and all manner of pleas, suits, actions and causes, civil personal real and mixed according to law.

§ 17th. And be it further enacted, That every of the said justices shall and are hereby empowered to grant under the seal of their respective courts, replevins writs of partition, writs of view, and all other writs and process upon the pleas and actions cognizable in the said respective courts, as occasion may require.

§ 18th. And be it further enacted, That the said justices of the said respective courts last mentioned shall and hereby empowered to issue forth subpœnas under their respective hands and seal of the court into any district or place within this district, for summoning or bringing any person or persons to give evidence in, or upon the trial of any matte

or cauſe whatſoever depending before them or any of them, under ſuch pains and penalties as by the rules of the common law, and courſe of the practice of the general court are uſually appointed.

§ 19th. And be it further enacted, That upon any judgment obtained in any of the ſaid courts of common pleas, and execution returned by the ſheriff or coroner of the proper diſtrict where ſuch judgment was obtained, that the party is not to be found, or hath no lands and tenements goods or chattels in that diſtrict, and thereupon it is teſtified that the party ſkulks or lies hid, or hath lands tenements goods or chattels in another diſtrict, within this diſtrict it ſhall and may be lawful to, and for the court that iſſued out ſuch execution, to grant and they are hereby required to grant an alias execution, with a teſtatum, directed to the ſheriff or coroner of the diſtrict or place where ſuch perſon lies hid, or where his lands, or effects are commanding him to execute the ſame according to the tenor of ſuch writ or writs and make return thereof to the court of common pleas where ſuch recovery is had, or judgment given, and if the ſheriff or coroner to whom ſuch writ or writs ſhall be directed, ſhall refuſe or neglect to execute and return the ſame accordingly he ſhall be amerced in the diſtrict where he ought to return it and be liable to the party grieved, and the ſaid amerce-

ment shall be truly and duly set according to the quality of the offence and estreated by the prothonotaries of the respective courts of commonpleas into the next succeeding general court or court of oyer and terminer, in course, that thence process may issue against the offenders for levying such fines and amercement as shall be unpaid to the uses for which they are or may be appropriated.

§ 20th. And be it further enacted, That the courts of common pleas in each district, shall commence their term on the same day as is herein directed for the commencement of the courts of general quarter sessions of the peace.

§ 21st. And be it further enacted, That all suits actions and causes before the general court or the courts of common pleas and general quarter sessions of the peace that shall be undetermined shall be continued over to the next respective term ensuing under the authority of this law.

§ 22nd. And be it further enacted, That all actions suits process and pleadings together with all papers and evidences thereunto belonging which are or shall be pending and undetermined before anycommandantbefore the date hereof shall be delivered by the commandants of the subordinate districts to the prothonotaries of laid districts hereafter to be appointed. And those in the hands of the first commandant shall be delivered to the clerk of the general court hereafter to

be appointed, and it ſhall be the duty of the ſaid commandants to certify under their hands and ſeals the true ſituation of the ſuits and actions pending before them, and it ſhall be the duty of the ſeveral prothonotaries of the diſtricts and the duty of the clerk of the general court to place the actions and ſuits ſo certified to them in ſuch order on their dockets as to bring them to iſſue and trial within as ſhort a ſpace of time as they would have been brought to trial had they remained before the ſaid commandants, and where judgment has been obtained before any of the ſaid commandants the clerk of the general court or any prothonotary of a diſtrict to which the judgments may be removed ſhall have power and authority to iſſue execution thereon in the ſame manner as if judgment had been obtained in his own court, and all other records and papers belonging to any judgment obtained before any commandant ſhall be delivered by the commandants to the prothonotaries of each diſtrict reſpectively.

§ 23rd. And be it further enacted, That all ſtate or governmental papers in the hands of any commandant in the diſtrict ſhall be delivered to the ſecretary of the diſtrict, or to ſuch other perſon as the governor may appoint, who ſhall give a receipt therefor if neceſſary. And that all wills or other inſtruments in writing of the nature of wills, now in the poſſeſſion of any commandant or

other officer of the former government, shall by such commandant or officer be delivered to the judge of probate of the district where such papers are now deposited. And that all patents, grants, mortgages and conveyances of real estate which may be in the possession of any commandant or other officer of the former government shall by such commandant or officer be delivered to the recorder of the district in which such papers are now deposited or in which such land lies.

§ 24th. And be it further enacted, That the clerk of the general court, and the prothonotaries of the inferior courts shall be and they are hereby authorised to issue writs of capias ad respondendum, and all other process which by law they are directed to issue, to bear teste the day on which such process shall issue and be made returnable to the next term of their respective courts.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of

the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

7X

A LAW

Entitled a law, establishing Recorders Offices.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress, to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same,

§ 1st. That there shall be an office of record in each and every district, which shall be called and styled 'The Recorders Office,' and shall be kept in some convenient place in the said respective districts; and the recorder shall duly attend the service of the same, and at his own proper coils and charges, and shall provide parchment, or good large books of royal or other large paper, well bound and covered, wherein he shall record, in a fair and legible hand, all deeds and conveyances which shall be brought to him for that purpose according to the true intent and meaning of this law.

§ 2nd. And be it further enacted, That all deeds to be recorded in pursuance of this law, whereby any estate of inheritance, in fee simple, shall hereafter be limitted to the

grantor and his heirs, the words 'grant, bargain, ſell,' ſhall be adjudged an expreſs covenant to the grantee, his heirs and aſſigns; to wit that the grantor was ſeized of an indefeaſible eſtate in fee ſimple, freed from incumbrances done or ſuffered from the grantor, (except the rents and ſervices, that may be reſerved) as alſo for quiet enjoyment againſt the grantor, his heirs and aſſigns, unleſs limitted by expreſs words contained in ſuch deed, and that the grantee, his heirs, executors, adminiſtrators and aſſigns, may in any action aſſign breaches, as if ſuch covenants were expreſsly inſerted. Provided always, that this law ſhall not extend to leaſes at rack rent, or to leaſes not exceeding one and twenty years, where the actual poſſeſſion goes with the leaſe.

§ 3rd And be it further enacted That if any perſon ſhall forge any entry of the acknowledgements, certificates or endorſements, whereby the freehold or inheritance of any man may be charged, he ſhall be liable to the penalties againſt forgers of falſe deeds. And if any perſon ſhall perjure himſelf, in any of the caſes here mentioned, he ſhall incur the like penalties as if the oath or affirmation had been in any court of record.

§ 4th. And be it further enacted, That every mortgagee of any real or perſonal eſtate in this diſtrict having received full ſatisfaction and payment of all ſum and ſums

of money as are really due to him, by such mortgage shall at the request of the mortgager enter satisfaction upon the margin of the record of such mortgage, recorded in the said office, which shall forever thereafter discharge defeat and release the same, and shall likewise bar all actions brought or to be brought thereupon.

§ 5th. And be it further enacted, That if such motgagee by himself or his attorney shall not within three months after request and tender made for his reasonable charges repair to the said office, and there make acknowledgement as aforesaid; he she or they neglecting so to do, shall for every such offence forfeit and pay unto the party or parties aggrieved any sum not exceeding the mortgage money; to be recovered in any court of record by bill plaint or information.

§ 6th. And be it further enacted, That there shall be appointed a recorder in every district now or hereafter to be erected. But before any of the said recorders enter upon any of their said offices they shall become bound to the governor and his successors with one or more sufficient sureties in a bond for fifteen hundred dollars, conditioned for the true and faithful execution of his office, and for delivering up the records and other writings belonging to the said office, whole, safe and undefaced to his successor in the said office, which said respective bonds, shall be filed in the secretarys office, and there safely

kept, to be made use of for making satisfaction to the parties that shall be damnified or aggrieved, as is or shall be in such cases directed by law.

§ 7th. And be it further enacted, That no recorder whatsoever, now or hereafter appointed as aforesaid, shall enter upon, or officiate in his said office before he hath given such security as aforesaid, upon pain of forfeiting the sum of three hundred dollars, one half to the district, and the other half to him or them who shall sue for the same, to be recovered as aforesaid.

§ 8th. And be it further enacted, That all deeds and conveyances which shall be made and executed within this district of or concerning any lands tenements or heridtaments therein or whereby the same may be any way effected in law or equity, shall be acknowledged by one of the grantors or bargainers, or proved by one or more of the subscribing witnesses to such deed before one of the judges of the general court, or before one of the justices of the court of common pleas of the district where the lands conveyed lies, and shall be recorded in the recorders office of the district where such lands or hereditaments are lying and being within twelve months after the execution of such deed or conveyances, and every such deed and conveyance, that shall at any time after thepublication hereof be made & executed & which shall not be proved and record-

ed as aforefaid, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for a valuable consideration, unless such deed or conveyance be recorded as aforesaid before the proving and recording of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim.

§ 9th. And be it further enacted, That where the grantors and witnesses of any deed or conveyance are deceased or cannot be had it shall and may be lawful to and for the judges of the general court, or any justices of the court of common pleas of the district where the land lies, to take the examination of any witness or witnesses on oath or affirmation to prove the hand writing of such deceased witness or witnesses, or where such proof cannot be had then to prove the hand writing of the grantor or grantors, which shall be certified by the judge or justice before whom such proof shall be made, and such deed or conveyance, being so proved shall be recorded as is usual, in other cases directed above by this law.

§ 10th. And be it further enacted, That every recorder shall keep a fair book in which he shall immediately make an entry of every deed or writing, brought into his office to be recorded, mentioning therein the date, the parties, and place, where the lands tenements or hereditaments granted

or conveyed by the ſaid deed or writing are ſituate, dating the ſame entry on the day on which ſuch deed or writing was brought into his office: and ſhall record all ſuch deeds and writings in regular ſucceſſion according to their priority or time in being brought into the ſaid office: and ſhall alſo immediately give a receipt to the perſon bringing in ſuch deed or writing to be recorded bearing date on the ſame day with the entry, and containing the abſtract aforeſaid for which entry and receipt he ſhall take or receive no fee or reward whatever, and if any recorder ſhall record any deed or writing before another firſt brought into his office to be recorded or in any other manner than is herein directed, or ſhall neglect or refuſe to make ſuch an entry, or to give ſuch a receipt as is herein before directed, or ſhall directly or indirectly take or receive any fee or reward for ſuch entry and receipt, or either of them he ſhall forfeit and pay for every ſuch offence a ſum not exceeding three hundred nor leſs than one hundred dollars, one half to the uſe of the diſtrict and the other half to him or them that ſhall ſue for the ſame, to be recovered in any court of record by action of debt, bill or plaint, wherein no eſſion protection or wager of law, or more than one imparlame ſhall be granted.

The foregoing is hereby declared to be a law for the diſtrict of Louiſiana, to take effect accordingly. In teſtimony whereof,

we, William Henry Harriſon, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto ſet our hands at Vincennes, the firſt day of October, one thouſand eight hundred and four, and of the Independendence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW

Entitled a law, reſpecting Slaves.

BE it enacted by the governor and judges of the Indiana Territory authoriſed and empowered by an act of congreſs, to make laws for the diſtrict of Louiſiana, and it is hereby enacted by the authority of the ſame,

§ 1ſt. That no negro or mulatto, ſhall be a witneſs, except in pleas of the *United States* againſt negroes or mulattoes, or in civil pleas where negroes alone ſhall be parties.

§ 2nd. And be it further enacted, That no ſlave ſhall go from the tenements of his maſter, or other perſon with whom he lives without a paſs, or ſome letter or token, whereby it may appear that he is proceeding by authority from his maſter, employer or overſeer, if he does it ſhall be lawful for any perſon to apprehend and carry him before a

juſtice of the peace to be by his order puniſhed with ſtripes, or not, in his diſcretion.

§ 3rd. And be it further enacted That if any ſlave ſhall preſume to come, and be upon the plantation of any perſon whatſoever, without leave in writing from his or her owner or overſeer, not being ſent upon lawful buſineſs, it ſhall be lawful for the owner or overſeer of ſuch plantation, to give or order ſuch ſlave ten laſhes on his or her bare back for every ſuch offence.

§ 4th. And be it further enacted, That no ſlave or mulatto whatſoever, ſhall keep or carry any gun, powder, ſhot, club, or other weapon whatſoever, offenſive or defenſive, but all and every gun weapon and ammunition found in the poſſeſſion or cuſtody of any negro or mulatto, may be ſeized by any perſon, and upon due proof thereof made before any juſtice of the peace of the diſtrict where ſuch ſeizure ſhall be, ſhall by his order be forfeited to the ſeizor, for his own uſe, and moreover every ſuch offender ſhall have and receive by order of ſuch juſtice any number of laſhes not exceeding thirty-nine on his or her bare back, well laid on for every ſuch offence.

§ 5th And be it further enacted, That every free negro or mulatto, being a houſe keeper, may be permitted to keep one gun, powder and ſhot; and all negroes and mulattoes, bond or free, living at any frontier plantation, may be permitted to keep and uſe

guns, powder, ſhot and weapons, offenſive & defenſive, by licence from a juſtice of peace of the diſtrict wherein ſuch plantation lies, to be obtained upon the application of free negroes or mulattoes, or of the owners of ſuch as are ſlaves.

§ 6th. And be it further enacted, That every perſon other than a negro, whoſe grand father or grand mother any one is, or ſhall have been a negro, although all his other progenitors except that deſcending from the negro, ſhall have been white perſons, ſhall be deemed a mulatto, and ſo every ſuch perſon who ſhall have one fourth part or more, of negro blood, ſhall in like manner be deemed a mulatto.

§ 7th. And be it further enacted, That all riots, routs, unlawful aſſemblies and ſeditious ſpeeches by a ſlave, or ſlaves, ſhall be puniſhed with ſtripes, at the diſcretion of a juſtice of the peace, and he who will may apprehend and carry him, her or them before ſuch juſtice.

§ 8th. And be it further enacted, That to prevent the inconvenience ariſing from the meetings of ſlaves, if any maſter miſtreſs or overſeer of a family ſhall knowingly permit or ſuffer any ſlave not belonging to him or her, to be and remain upon his or her plantation, above four hours at any one time, without leave of the owner or overſeer of ſuch ſlave, he or ſhe ſo permitting ſhall forfeit and pay three dollars for every ſuch of-

fence, and every owner overſeer of a plantation, who ſhall ſo permit or ſuffer more than five negroes or ſlaves, other than his or her own, to be and remain upon his or her plantation, or quarter at any other time ſhall forfeit and pay one dollar for each negro or ſlave above that number, which ſaid ſeveral forfeitures ſhall be to the informer, and be recoverable before any juſtice of the peace of the diſtrict with coſts where ſuch offence ſhall be committed. Provided always, that nothing herein contained, ſhall be conſtrued to prohibit the negroes or ſlaves of one and the ſame owner, though ſeated at different quarters from meeting with their owner or overſeers leave, upon any plantation to ſuch owner belonging, nor to reſtrain the meeting of ſlaves on their owners or overſeers buſineſs at any public mill ſo as ſuch meeting be not in the night time, nor on a Sunday, nor to prohibit their meeting on any other lawful occaſion, by licenſe in writing from their owner or overſeer nor their going to church and attending divine ſervice on the Lord's day nor any other day of public worſhip.

§ 9th. And be it further enacted, That if any white perſon, free negro or mulatto, ſhall at any time be found in company with ſlaves at any unlawful meeting, or ſhall harbour or entertain any ſlave, without the conſent of his or her owner, ſuch perſon being thereof convicted before any juſtice of the peace, ſhall forfeit and pay three dollars for

every such offence to the informer, recoverable with costs, before such justice, or on failure of present payment, shall receive on his or her bare back, twenty lashes well laid on, by order of the justice before whom such conviction shall be.

§ 10th. And be it further enacted, That every justice of the peace upon his own knowledge of such unlawful meeting, or information thereof to him made within ten days after, shall issue his warrant to apprehend such persons so met or assembled, and cause them to be brought before himself or any other justice of the district, to be dealt with as this act directs, and every justice failing herein shall forfeit and pay eight dollars for every such failure, and every sheriff or other officer who shall fail upon knowledge or information of such meeting to endeavour to suppress the same and bring the offenders before some justice of the peace to receive due punishment, shall be liable to the like penalty of eight dollars, both which penalties shall be to the informer, and recoverable with costs in any district court, by action of debt, and every under sheriff, serjeant or constable who upon knowledge or information of such meeting shall fail to perform his duty in suppressing the same, & apprehending the persons so assembled shall forfeit and pay four dollars for every such failure, to the informer recoverable with costs before any justice of the district.

§ 11th. And be it further enacted, That

no perſon whatſoever ſhall buy ſell or receive of to or from a ſlave any commodity whatſoever, without the leave or conſent of the maſter owner or overſeer of ſuch ſlave. And if any perſon ſhall preſume to deal with any ſlave without ſuch leave or conſent, he or ſhe ſo offending ſhall forfeit and pay to the maſter or owner of ſuch ſlave four times the value of the thing ſo bought ſold or received to be recovered with coſts by action upon the caſe in any court of record within this diſtrict and ſhall alſo forfeit and pay the further ſum of twenty dollars to any perſon who will ſue for the ſame, to be recovered with coſt in any court within this diſtrict having juriſdiction, or receive on his or her bare back thirty-nine laſhes well laid on, but ſhall nevertheleſs be liable to pay the coſts of the ſuit.

§ 12th. And be it further enacted, That if any negro or mulatto, bond or free, ſhall at any time lift his or her hand in oppoſition to any perſon not being a negro or mulatto, he or ſhe ſo offending ſhall for every ſuch offence proved by the oath of the party before any juſtice of the peace of the diſtrict where ſuch offence ſhall be committed receive ſuch puniſhment as the juſtice ſhall think proper not exceeding thirty laſhes on his or her bare back well laid on, except in thoſe caſes when it ſhall appear to ſuch juſtice, that ſuch negro or mulatto was wantonly aſſaulted and lifted his or her hand in his or her defence.

§ 13th. And be it further enacted, That whereas many times ſlaves run-away and lie hid and lurking in ſwamps, woods and other obſcure places; killing hogs and committing other injuries to the inhabitants of this diſtrict, in all ſuch caſes, upon intelligence given of two or more ſlaves lying out as aforeſaid, any two juſtices of the peace of the diſtrict wherein the ſlaves are ſuppoſed to lurk or do miſchief ſhall be and are empowered and required, by warrant reciting their names and owners names, if known, to direct the ſheriff of the ſaid diſtrict to take ſuch power with him, as he ſhall think fit and neceſſary for the effectual apprehending ſuch out lying ſlave or ſlaves and go in ſearch of them, and upon their being apprehended to commit them to the jail of his diſtrict for further trial.

§ 14th. And be it further enacted, That if any negro or other ſlave ſhall at any time conſult adviſe, or conſpire to rebel or make inſurrection, or ſhall plot or conſpire the murder of any perſon or perſons whatſoever every ſuch conſulting plotting or conſpiring ſhall be adjudged and deemed felony, and the ſlave or ſlaves convicted thereof ſhall ſuffer death and be utterly excluded all benefit of clergy.

§ 15th. And be it further enacted, That if any negro or other ſlave, ſhall prepare exhibit or adminiſter any medicine

whatsoever, he or she so offending shall be judged guilty of felony and suffer death without benefit of clergy.

§ 16th. Provided always, That if it shall appear to the court before whom such slave shall be tried that the medicine was not prepared exhibited or administered, with an ill intent, nor attended with any bad consequences such slave shall be acquitted.

§ 17th. Provided also, That nothing herein contained shall be construed, to extend to any slave or slaves administering medicine by his or her master's or mistresses order in his or her family or the family of another with the mutual consent, of the owner of such slave and the master and mistress of such family.

§ 18th. And be it further enacted, That if any master or owner of a slave shall license such slave to go at large, and trade as a free man, the master or owner shall forfeit and pay the sum of thirty dollars for the use of the poor of such district where such slave shall be found going at large, and trading as aforesaid, to be recovered by the overseers of the poor by action of debt in any court of record within this district, and if after conviction such slave shall be found going at large and trading the master or owner shall again be liable to the like penalty to be recovered as aforesaid, and, so as often after viction as such slave shall be found going at large and trading.

§ 19th. And be it further enacted, That if any perſon ſhall permit or ſuffer his or her ſlave to go at large or hire him or herſelf out it ſhall be lawful for any perſon to apprehend and carry ſuch ſlave before any juſtice of the peace in the diſtrict where apprehended, and if it ſhall appear to the juſtice that ſuch ſlave comes within the purview of this act, he ſhall order him or her to the jail of the diſtrict there to be ſafely kept until the next court, when, if it ſhall be made appear to the court that the ſlave ſo ordered to jail hath been permitted or ſuffered to hire him or herſelf out, contrary to the meaning of this act, it ſhall be lawful for the court and they are hereby required to order the ſheriff or other officer of the diſtrict, notice being given by the ſheriff or other officer at the court houſe door at leaſt twenty days before the ſale, to ſell and diſpoſe of every ſuch ſlave for ready money.

§ 20th. And be it further enacted, That twenty-five per centum upon the amount of the ſale of every ſlave ſo going at large, or hireing out himſelf or herſelf, ſhall be applied by the court ordering ſuch ſale towards leſſening the diſtrict levy, and the reſidue ſhall be paid by the ſheriff or other officer, after deducting five per centum for his trouble, and the jailors fees to the owner of ſuch ſlave.

§ 21ſt. And be it further enacted, That if any perſon ſhall hereafter be guilty of ſtealing or ſelling any free perſon for a ſlave,

knowing the ſaid perſon ſo ſold to be free, and thereof ſhall be lawfully convicted, the perſon ſo convicted, ſhall ſuffer death without the benefit of clergy.

§ 22nd. And be it further enacted, That if any perſon or perſons ſhall ſteal any negro or mulatto whatſoever, out of, or from the poſſeſſion of the owner or overſeer of ſuch ſlave, the perſon or perſons ſo offending ſhall be, and are hereby declared felons, and ſhall ſuffer death without benefit of clergy.

§ 23rd. And be it further enacted, That it ſhall be lawful for any perſon by his or her laſt will and teſtament or any other inſtrument in writing, under his or her hand and ſeal, atteſted and proved in the diſtrict court by two witneſſes, or acknowledged by the party in the court of the diſtrict where he or ſhe reſides, to emancipate and ſet free his or her ſlave, or any of them, who ſhall thereupon be fully and entirely diſcharged from the performance of any contract entered into during ſervitude, and enjoy as full freedom as if they had been particularly named and freed by this act. Provided always, That all ſlaves ſo emancipated ſhall be liable to be taken by execution to ſatisfy any debt contracted by the perſon emancipating them, before ſuch emancipation is made. Provided alſo, that all ſlaves ſo ſet free, not being in the judgment of the court of ſound mind and body, or being above the age of forty-five years, or being males under the age of twen-

ty one, or females under the age of eighteen years, shall be respectively supported and maintained by the person so liberating them, or by his or her estate; and upon neglect or refusal so to do, the court of the district where such neglect or refusal may be, is hereby empowered and required, upon application to them made, to order the sheriff or other officer, to destrain and sell so much of the persons estate, as shall be sufficient for that purpose. And provided also, that every person by written instrument in his lifetime, or if by last will and testament, the executors of every person freeing any slave shall cause to be delivered to him or her, a copy of the instrument of emancipation, attested by the clerk of the court of the district, who shall be paid therefor by the person emancipating eighty three cents, to be collected in the manner of other clerks fees, every person neglecting or refusing to deliver to any slave by him or her set free, such copy shall forfeit and pay thirty dollars; to be recovered with costs in any court of record, one half thereof to the person suing for the same, and the other to the person to whom such copy ought to have been delivered.

§ 24th. And be it further enacted, That it shall be lawful for any justice of the peace to commit to the jail of his district, any emancipated slave travelling out of the district of his residence, without a copy of the instrument of his or her emancipation, there to

remain until ſuch copy is produced and the jailors fees paid.

§ 25th. And be it further enacted That in caſe any ſlave ſo liberated, ſhall neglect in any year to pay all taxes and levies impoſed, or to be impoſed by law, the court of the diſtrict, ſhall order the ſheriff or ſerjeant, to hire out him or her, for ſo long time as will raiſe the taxes and levies, provided ſufficient diſtreſs cannot be made upon his or her eſtate.

§ 26th. And be it further enacted, That ſaving nevertheleſs to all and every perſon and perſons, bodies politic or corporate, and their heirs and ſucceſſors, other than the perſon or perſons claiming under thoſe ſo emancipating their ſlaves, all ſuch right and title as they, or any of them could or might claim, if this act had never been made.

§ 27th. And be it further enacted, That all negroes and mullato ſlaves in all courts of judicature within this diſtrict ſhall be held taken and adjudged to be perſonal eſtate.

§ 28th. And be it further enacted, That if any widow poſſeſſed of a ſlave or ſlaves as of the dower of her huſband ſhall remove or voluntarily permit to be removed out of this diſtrict ſuch ſlave or ſlaves, or any of their increaſe without the conſent of him or her in reverſion, ſuch widow ſhall forfeit all and every ſuch ſlave or ſlaves, all other the dower which ſhe holds of the endowment of her huſband's eſtate unto the perſon or perſons that ſhall have the reverſion thereof; any

law cuſtom or uſage to the contrary notwithſtanding.

§ 29th. That And be it further enacted, That if any widow poſſeſſed as aforeſaid ſhall be married to a huſband, who ſhall remove or voluntarily permit to be removed, out of this diſtrict, any ſuch ſlave or ſlaves, or any of their increaſe without the conſent of him or her in reverſion, in ſuch caſe it ſhall be lawful for him or her in reverſion to enter into, poſſeſs and enjoy all the eſtate which ſuch huſband holdeth in right of his wife's dower for and during the life of the ſaid huſband.

§ 30th. And be it further enacted, That where one or more ſlaves ſhall deſcend from a perſon dying inteſtate and an equal diviviſion thereof cannot be made in kind, on account of the nature of the property it ſhall be lawful for the general court, or the court of the diſtrict by which the adminiſtration to the eſtate of the inteſtate was granted, to direct the ſale of ſuch ſlave or ſlaves and the diſtribution of the money ariſing therefrom according to the rights of each claimant: Provided always, that each claimant ſhall be duly ſummoned to ſhew cauſe if any he can againſt ſuch ſale.

§ 31ſt. And be it further enacted, That no gift or gifts of any ſlave or ſlaves ſhall be good or ſufficient to paſs any eſtate in ſuch ſlave or ſlaves, to any perſon or perſons whatſoever unleſs the ſame be made by will duly proved and recorded, or by deed in writing

to be proved by two witneſſes at the leaſt, or acknowledged by the donor and recorded in the diſtrict court, where one of the parties lives within eight months after the date of ſuch deed or writing.

§ 32nd. And be it further enacted, That this act ſhall be conſtrued to extend only to gifts of ſlaves whereof the donors have notwithſtanding ſuch gifts remained in the poſſeſſion, and not gifts of ſuch ſlaves as have at any time come into the actual poſſeſſion of, and have remained with the donee, or ſome perſon claiming under ſuch donee.

§ 33rd. And be it further enacted, provided always, That nothing in this act contained ſhall be conſtrued to alter any adjucation heretofore made, nor to effect the intereſt of any bona fide purchaſer for a valuable conſideration, or creditor of the donor before the donee hath been at leaſt three years in poſſeſſion of ſuch ſlave or ſlaves under ſuch gift.

§ 34th. And be it further enacted, That no maſter of any ſhip or any other veſſel, ſhall tranſport or carry any ſervant, whatſoever, or any negro or mulatto, or other ſlave out of this diſtrict without the conſent or permiſſion of the perſon or perſons to whom ſuch ſervant or ſlave doth of right belong upon penalty of forfeiting and paying one hundred and fifty dollars for every ſervant or ſlave tranſported or carried hence, contrary to this act; one moiety to the diſtrict, and the other moiety to the owner of

such servant or slave, to be recovered with costs, by action of debt or information in any court of record in this district and moreover such master shall be liable to the suit of the party grieved at the common law for his or her damages.

§ 35th. And be it further enacted, That in any action which shall be brought against the master of a ship or vessel under this act, the court wherein the same shall be depending may rule the defendant to give special bail if they see cause and shall not allow him to plead in bar or give in evidence any act or statute of limitation any former or other law to the contrary notwithstanding.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independendence of the United States the twenty ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

XI

A LAW

Entitled a law of defalcation.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress, to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same,

§ 1st. That if two or more dealing together be indebted to each other, upon bonds, bills, bargains, promises, accounts or the like, and one of them commence an action in any court; if the defendant cannot gainsay the deed bargain, or assumption upon which he is sued it shall be lawful for such defendant, to plead payment of all, or part of the debt or sum demanded; and give any bond, bill receipt, account or bargain in evidence and if it shall appear, that the defendant hath fully paid or satisfied the debt or sum demanded, the jury shall find for the defendant, and judgment shall be entered, that the plaintiff shall take nothing by his writ, and shall pay the costs. And if it shall appear, that any part of the sum demanded be paid, then so much as is found to be paid shall be defaulked; and the plaintiff shall have judgment for the residue, only, with costs of suit. But if it shall appear to the jury that the plaintiff is overpaid, then they shall give in their verdict for the defendant, and with certify to the court, how much they find the plaintiff to be indebted, or in arrear to the

defendant, more than will anſwer the debt or ſum demanded; and the ſum or ſums ſo certified ſhall be recorded with the verdict, and ſhall be deemed as a debt of record; and if the plaintiff refuſe to pay the ſame the defendant for recovery thereof, ſhall have a ſcire facias againſt the plaintiff in the ſaid action and have execution for the ſame, with the coſts of that action.

§ 2nd. And be it further enacted, Provided always, That in all actions where a tender ſhall be made, and full payment be offered by diſcount or otherwiſe, in ſuch ſpecie as the party, by contract or agreement, ought to do, and the party to whom ſuch tender ſhall be made, doth refuſe the ſame, and yet afterwards will ſue for the debt or goods ſo tendered, the plaintiff ſhall not recover any coſts in ſuch ſuit.

§ 3rd. And be it further enacted, provided alſo, That in all caſes where the plaintiff and defendant having accounts to produce one againſt another, ſhall by themſelves or attornies or agents, conſent to a rule of court for referring the adjuſtment thereof to certain perſons mutually choſen by them in open court, (the award or report of ſuch referees being made according to the ſubmiſſion of the parties, approved of by the court, and entered upon the record or roll,) ſhall have the ſame effect, and be deemed and taken to be as available in law, as a verdict given by twelve men; and the party to whom any ſum

or ſums of money are hereby awarded to be paid, ſhall have judgment or a fire facias for the recovery thereof as the caſe may require, &as is herein before directed concerning ſums found and ſettled by a jury, any law or uſage to the contrary in any wiſe notwithſtanding.

The foregoing it hereby declared to be a law for the diſtrict of Louiſiana to take effect accordingly. In teſtimony whereof, we, William Henry Harriſon, governor, and Thomas Terry Davis, Henry Vander Burgh and John Griffin, judges in, and over the Indiana Territory have hereunto ſet our hands at Vincennes, the firſt day of October, one thouſand eight hundred and four, and of the Independence of the United States, the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH
JOHN GRIFFIN.

XII

A LAW

Eſtabliſhing a court of Probate.

BE it enacted by the governor and judges of the Indiana Territory authoriſed and empowered by an act of congreſs to make laws for the diſtrict of Louiſiana and it is hereby enacted by the authority of the ſame.

§ 1ſt. That there ſhall be appointed one judge of probate in each diſtrict whoſe duty it ſhall be to take the proof of all wills and

testaments and to grant letters testamentary and letters of administration and to do and perform every matter and thing that doth or by law may appertain to the probate office, excepting the rendering definitive sentence and final decrees.

§ 2nd. The judge shall hold four sessions in each and every year, and may adjourn from time to time or appoint a special sessions and at such place in the district as he may deem expedient, whenever the circumstances of the people may require it. The sessions for the district of Saint Charles shall be holden at the village of Saint Charles upon the annually—for the district of St. Louis at the town of Saint Louis upon the annually—for the district of St. Genevieve at the village of Saint Genevieve upon the annually—for the district of Cape Girardeau at upon the annually and for the district of New-Madrid at upon the annually. In all cases wherein it shall be necessary to render a definitive sentence, or to render a final decree, and upon a point contested the judge shall call to his assistance two of the justices of the court of common pleas of the same district; who together with the judge shall constitute the court of probate, a majority of whom shall have power to render final sentences and decrees in all matters cognizable before said court: Provided however, that from every definitive sentence & from every

final decree rendered by the court, there may be an appeal to the general court of the district, the appellant giving bond with two sufficient sureties, to prosecute his appeal with effect, which appeal shall be entered upon the second day of the term of the court appealed to, and next to be holden for the district in which the appeal was taken.

§ 3d. The judge previously to his entering upon the duties of his office shall be sworn before the governor to a true and faithful discharge thereof.

§ 4th. The judge shall record last wills and testaments, and make entries of the granting of letters testamentary, and letters of administration; he shall receive, put on file and carefully preserve all bonds, inventories, accounts, and other documents, necessary to be perpetuated in his office.

§ 5th. All bonds that by this law are, or by law shall be directed to be given in the court of probate, or probate office, shall be made to the judge, and shall be in trust, to and for the use of all persons concerned, or having interest therein; and the benefit thereof shall be extended from time to time, to, and for the relief of the party injured.

§ 6th. The judge shall deliver a certified copy of any bond taken by him as aforesaid, to any person interested, and requesting the same, and he shall also produce the original bond in court, upon any trial that shall be had for the breach of the conditions thereof

whenever required by such court, and upon refusal or delay herein, the judge shall forfeit and pay to the party injured treble damages. And there shall be appointed a clerk of said court of probate who shall be sworn to a faithful discharge of the duties of his office, before he enters into the execution of the duties thereof; and the clerk shall record all sentences and decrees of the court of probate and make entries and records of all matters proper to be entered and recorded in his office.

The foregoing is hereby declared to be a law of the district, and to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas Terry Davis, and John Griffin, judges in and over the Indiana Territory, have hereunto caused the seal of the territory to be affixed, and signed the same with our names at Vincennes, the 1st day of October, 1804, and of the Independence of the United States, the twenty ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS
JOHN GRIFFIN.

XIII.

A LAW

Entitled a law regulating the appointment of constables.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress to make laws for the district of Louisiana, and it is hereby

enacted by the authority of the ſame, That it ſhall be the duty of the general court of quarter ſeſſions of the peace in each and every diſtrict to appoint at the ſeſſion next after the firſt day of March annually, one or more reſpectable and confidential perſons in each and every diſtrict, to ſerve as conſtables and the conſtables ſo appointed ſhall continue in office, by virtue of ſuch appointment for the term of one year, and ſo long thereafter as may be ſufficient for their ſucceſſor in office, to have notice of their appointment, take the oath and enter on the duties of their office; Provided, that nothing herein contained ſhall oblige them to ſerve as conſtables for a longer time than three months after the expiration of the term of one year as aforeſaid.

§ 2nd. And be it further enacted, That every perſon before they enter upon the duties of his office ſhall take the following oath or affirmation, I do ſwear (or affirm as the caſe may be) that I will faithfully diſcharge the duties of my office as conſtable within this diſtrict, according to the beſt of my underſtanding and abilities: which oath or affirmation ſhall be taken before the court of quarter ſeſſions of the peace, or before any juſtice of the ſaid court, and the juſtice adminiſtering ſuch oath (if out of court) ſhall make a certificate thereof and cauſe the ſame to be filed with the clerk of the ſeſſions, by which ſuch conſtable ſha

be the duty of every constable, as far as in him lies, to apprehend and bring to justice all felons, and disturbers of the peace, to suppress all riots, routs & unlawful assemblies & to keep & preserve the peace within the district in which he shall have been appointed, and also to serve and execute all warrants, writs, precepts and other process, to him lawfully directed, and generally to do and perform all things appertaining to the office of constable within this district.

§ 3rd. And be it further enacted, That every person who shall be appointed to the office of constable in manner aforesaid within this district and who shall not within eight days after notice of such appointment take the oath herein prescribed and every constable who having taken the oath aforesaid, shall refuse or neglect to perform any of the duties appertaining to his office shall forfeit & pay for every such neglect or refusal the sum of twenty dollars to be recovered with costs of suit before any court of record within the district in which such constable resides, in the name of any person who will sue for the same the one half to the use of person suing for the same & the other half to the use of the district. Provided always, that no person shall be liable to the penalty herein specified for not accepting of the appointment of a constable in the same district more than once in the term of ten years.

§ 4th. And be it further enacted, That when any constable in any district within ths district appointed as aforesaid, shall die or remove out of the district or shall otherwise be disqualified from holding such office, it shall be the duty of any justice of the peace of the district in which such death, removal or disqualification shall happen to appoint a constable to fill such vacancy and return his name to the next court of quarter sessions to be held for the district, who shall confirm the appointment or appoint another, and the constable so appointed shall take the same oath, and be subject to the same forfeiture for neglect of duty as those appointed by the court: Provided nevertheless that nothing in this act shallbe construed so as to prevent any magistratein the district from appointing any suitable person to act as constable in a criminal case of orincase attachments where there is a probability that the criminal will escape, or where goods and chattles are about to be removed, if delay is made for the purpose of applying to the constable of the district.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of

the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW

Regulating the Oath of Office.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same, That every person appointed to any civil office in the district, and commissioned by the governor, shall previous to his entering upon the exercise of his office, take the following oath, viz. *I*, A B, being appointed to the office of do solemnly swear, that I will, well and truly execute the duties of my said office according to the best of my skill and understanding, without fraud or partiality.—*So* help me God.

§ 2nd. And be it further enacted, That any person appointed as aforesaid, conscienciously scrupulous of taking an oath, shall make the following affirmation, previously to entering upon the duties of his office, viz. *I, A B* being appointed to the office of do solemly, sincerely and truly, declare and affirm, that I will, well and truly execute the duties of my said office, according to the

best of my skill and understanding, without fraud or partiality, and this I declare and affirm under the pains and penalties of perjury.

§ 3rd. And be it further enacted, That all oaths of office, or declarations and affirmations prescribed as aforesaid, shall be taken before the governor or such person or persons as shall by him be appointed and commissioned for that purpose, and certified upon the commission of the person taking the same. And in case of the absence of the governor, the said oath or declaration or affirmation, may be taken before and certified by either of the judges of the district.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas Terry Davis, Henry Vander Burgh and John Griffin, judges in, and over the Indiana Territory have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independance of the United States, the twenty ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH
JOHN GRIFFIN.

A LAW

To regulate the practice of the general court upon writs of error and for other purposes.

BE it enacted by the governor and judges

of the Indiana Territory authorised and empowered by an act of congress to make laws for the district of Louisiana and it is hereby enacted by the authority of the same. That there shall be no discontinuance of any suit, process, matter or thing returned to, or depending in the general court, although a quorum of judges shall fail to attend at the commencement, or any other day of any session: but if a majority of them shall fail to attend at the commencement of any session, any judge of the said court or the sheriff attending the same, may adjourn the said court from day to day, for three days successively and if a quorum shall not attend on the fourth, or having attended one day shall fail to attend on a subsequent day of session, the court shall stand adjourned till the court in course.

§ 2nd. And be it further enacted That execution shall be issued from the general court according to law, and the returns shall be appointed by the said court.

§ 3rd. And be it further enacted, That the general court shall have power to direct the writs summonses, process, forms and modes of proceedings to be issued, observed and pursued by the said general court.

§ 4th. And be it further enacted, That on all writs of error, it shall be lawful for the general court to issue execution, or remit the cause to the inferior court, in order that an execution may be there issued, or that other proceedings may be had thereupon.

§ 5th. And be it further enacted, That no writs of error shall be a supersedeas until the plaintiff in error, by himself or a responsable person on his behalf, shall in the clerk's office enter into a recognizance in double the sum recovered in the court below, with one or more sufficient sureties to the defendant in error, to be approved of by the clerk for the due prosecution of the suit in error, & in case of the affirmance of the judgment, to pay the defendent in error the condemnation and costs. That when such surety is given as aforesaid the said clerk shall endorse on the said writ of error, that it shall be a supersedeas and it shall be obeyed as such accordingly.

§ 6th. And be it further enacted, That a writ of error shall not be brought after the expiration of five years from the passing the judgment complained of, but where a person thinking himself aggrieved by any decree or judgment which may be reversed in the general court shall be an infant, feme covert, non compos mentis, or imprisoned when the same was passed the time of such disability shall be excluded from the computation of the said five years. Whenever the said general court shall be divided in opinion in hearing any writ of error, the judgment or decree appealed from shall be affirmed.

§ 7th. And be it further enacted, That the clerk of the general court shall carefully preserve the transcript of records certified to

his court, with the bonds for profecution and all papers relating to them, and other ſuits depending therein, docketing them in the order he ſhall receive them, that they may be heard in the ſame courſe, unleſs the court for good cauſe to them ſhewn, direct any to be heart out of its turn. The proceedings of every day during the term ſhall be drawn at full length by the clerk, againſt the next ſitting of the court, and ſuch corrections as are neceſſary being firſt made therein, they ſhall be ſigned by the preſiding judge. When any cauſe ſhall be finally determined, the clerk ſhall make a complete record thereof. And all writs, proceſſes, ſummonſes, iſſuing from the general court, ſhall be ſigned by the clerk of the ſame, and ſhall bear teſt in the name of the chief juſtice, or preſiding judge for the time being.

§ 8th. And be it further enacted, That for good cauſe the general court or any judge thereof, may grant commiſſions for the examination of witneſſes; and the clerk of the ſaid court, when any witneſs is about to depart from the ſaid diſtrict, or ſhall by age, ſickneſs or otherwiſe, be unable to attend the court, or where the claim or defence of any party, or a material part thereof ſhall depend on a ſingle witneſs, may upon affidavit thereof iſſue a commiſſion for taking the depoſition of ſuch witneſs, de bene eſſe, to be read as evidence at the trial, in caſe the witneſs be then unable to attend, but the party ob-

taining such commission shall give reasonable notice to the other party of the time and place of taking the deposition.

The foregoing is hereby declared to be a law of the district of Louisiana to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas Terry Davis, Henry Vanderburgh and John Griffin, judges in, and over the Indiana Territory, have hereunto set our hands at Vincennes, the 1st day of October, 1804, and of the Independence of the United States, the twenty ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS
HENRY VANDERBURG.
JOHN GRIFFIN.

ERRATAS.

In the 13 page 4 lines from the bottom, read The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. Page 15, 18 lines from the bottom, read same. Page 14, 2 lines from the top read, first day of October 1804. and of the independence of the United States the twenty-ninth. Page 15, 11 lines from the bottom read the same.

James Maury

INDIANA TERRITORY, ss.

I hereby certify that the foregoing copy of laws passed by the governor and judges for the district of Louisiana has been carefully collated with and rendered strictly conformable to the original on file in the office of the secretary of the Territory.

Jno. Gibson, Secretary.